FEDERAL REGISTER

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Agencies in this issue—

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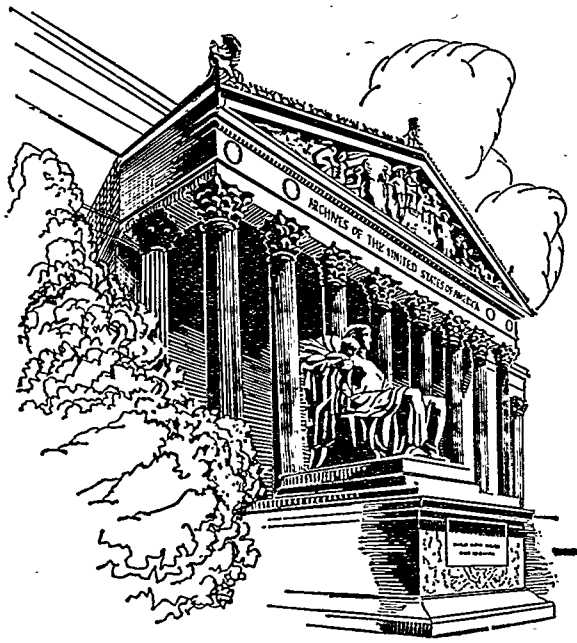

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

POTASSIUM SODIUM COPPER CHLOROPHYLLIN (CHLOROPHYLLIN-COPPER COMPLEX); CONFIRMATION OF EFFECTIVE DATE

In the matter of listing potassium sodium copper chlorophyllin (chlorophyllin-copper complex) for drug and cosmetic use exempt from certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 26, 1969 (34 F.R. 6975). Accordingly, the regulations promulgated by that order (21 CFR 8.6014, 8.8004) will become effective June 25, 1969.

2. To correct an error, § 8.6014(b) promulgated by said order is amended by changing in the specification "Ratio, absorbance * * *" the measurement "730 mμ" to read "630 mμ."

3. Effective June 25, 1969, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (g) the item "Chlorophyll copper complex and chlorophyllin copper complex."

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7432; Filed, June 24, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 451—INCENTIVE AWARDS

Award Scale for Job Performance; Correction

When miscellaneous amendments were made to Part 451 in the FEDERAL REGISTER of May 27, 1969, F.R. Doc. 69-6284, one new section was erroneously omitted. New § 451.303a is set out below.

§ 451.303a Award scale for job performance.

A cash award for job performance that exceeds normal requirements and is sustained over a significant period of time shall be granted in accord with the following scale:

General schedule grade	*Award range*
1–4	$100 to $150.
5–8	$150 to $200.
9–11	$200 to $250.
12–13	$250 to $300.
14–18	$300 to $350.

Application of the scale to a position not under the General Schedule shall be made by comparing the annual entrance pay for the grade. For a Wage Position, the annual entrance pay is determined by multiplying the entrance hourly rate by 2080. An agency may make an exception from the scale only in a unique case of unusual merit and when the reason therefor is documented.

(5 U.S.C. 4506)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7479; Filed, June 24, 1969; 8:49 a.m.]

PART 713—EQUAL OPPORTUNITY

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

MISCELLANEOUS AMENDMENTS; CORRECTION

In F.R. Doc. 69-3265 appearing in the FEDERAL REGISTER of March 19, 1969, on pages 5368 and 5370 under Miscellaneous Amendments to Chapter, § 713.204(d) (6), lines 7 and 8, "§§ 713.211 through 713.221" should read "§§ 713.211 through 713.222" and at the very end of § 713.217 (c) "§ 713.220" should read "§ 713.221".

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR 1964–1965 Comp., pp. 306, 339, E.O. 11375; 3 CFR 1967 Comp., p. 320)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7480; Filed, June 24, 1969; 8:49 a.m.]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Change of Enrollment

On April 23, 1969, the following was published in the FEDERAL REGISTER as proposed rule making. The purpose is to extend to annuitants the same privileges now granted to employees to change their health benefits enrollments during the 1969 open season. No adverse comments, objections, or suggestions on the proposal have been received by the Civil Service Commission. Accordingly, Part 890 of Title 5, Code of Federal Regulations, is amended by revising subparagraph (2) of paragraph (d) of § 890.301 as set out below.

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* * * *

(2) During the period November 10 to November 28, 1969, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

* * * * *

(5 U.S.C. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7481; Filed, June 24, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 378, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such

lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.678 (Lemon Reg. 378, 34 F.R. 9380) are hereby amended to read as follows:

§ 910.678 Lemon Regulation 378.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 358,050 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7485; Filed, June 24, 1969; 8:49 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 7, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9078) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1969, and ending February 28, 1970, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1969, through February 28, 1970, will amount to $253,989.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed as follows:

(1) One and one-tenth cent ($0.011) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Four and two-tenths cents ($0.042) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) One cent ($0.01) per California peach box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1969, shall be carried as a reserve in accordance with the applicable provisions of § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (2) the fiscal period began March 1, 1969, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7486; Filed, June 24, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Barley Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

Correction

In F.R. Doc. 69–7140 appearing at page 9540 in the issue of Wednesday, June 18, 1969, the following changes should be made in § 1421.2279(b):

1. Under Iowa, the county following Guthrie which now reads "Mamilton" should read "Hamilton".

2. Under Nebraska, the rate per bushel for Washington County should read "0.83" instead of "$0.80".

3. Under Wisconsin, the rate per bushel for Wood County should read ".81" instead of ".82".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;

Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwall, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds to the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Indian River County in Florida; Concordia and Red River Parishes in Louisiana; Blaine, Cherry, Hooker, Logan, and McPherson Counties in Nebraska; Cotton County in Oklahoma; Cass, Clay, and Rockwall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1969.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69–7452; Filed, June 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–EA–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Reporting Point and Designation, Modification, and Revocation of Jet Routes

On April 9, 1969, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6289) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 34, 80, 110, and 518; revoke Jet Route No. 12 and segment of Jet Route No. 49; designate Jet Route Nos. 145 and 162; and designate Bellaire, Ohio, VORTAC high altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. Section 75.100 (34 F.R. 431, 2307, 4856) is amended as follows:

a. Jet Route No. 12 is revoked.

b. In the caption Jet Route No. 34 "to Front Royal, Va." is deleted and "to

Westminster, Md." is substituted therefor, and in the text all after "Cleveland, Ohio;" is deleted and "Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials." is substituted therefor.

c. In the caption of Jet Route No. 49 "Charleston, W. Va." is deleted and "Philipsburg, Pa." is substituted therefor, and in the text all before "Albany, N.Y.;" is deleted and "From Philipsburg, Pa., via Hancock, N.Y.;" is substituted therefor.

d. In the text Jet Route No. 80 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

e. In the text of Jet Route No. 110 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

f. Jet Route No. 145 is added:

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).
From Charleston, W. Va., to Bellaire, Ohio.

g. Jet Route No. 162 is added:

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).
From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

h. Jet Route No. 518 is amended to read:

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).
From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

2. Section 71.207 (34 F.R. 4799) is amended by adding "Bellaire, Ohio."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 17, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7460; Filed, June 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-19]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On April 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6795) stating that the Federal Aviation Administration was considering the realignment of segments of Jet Route No. 30 and No. 149.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 5010) is amended as follows:

a. In the text of Jet Route No. 30 "to Front Royal, Va." is deleted and "INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va." is substituted therefor.

b. Jet Route No. 149 is amended to read:

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.)
From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 17, 1969.

T. McCORMACK,
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Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-146]

CUSTOMS CONVENTIONS

The United States on December 3, 1968, deposited instruments of accession to the following Conventions:

Customs Convention on the Temporary Importation of Professional Equipment.
Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.
Customs Convention on the E.C.S. Carnets for Commercial Samples.
Customs Convention on Containers.

The Conventions, the texts of which were published in T.D. 69-68, entered into force on March 3, 1969.

Legislation necessary to implement the Conventions in respects not previously authorized under domestic law was enacted in Public Law 90-635, approved October 24, 1968 (T.D. 68-295).

The Customs Convention on the E.C.S. Carnets for Commercial Samples is a companion Convention to the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material (8 UST 1636; TIAS 3920) to which the United States is a party.

On February 11, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1951) a notice of proposed rule making setting forth proposed amendments to the Customs Regulations to give effect to Public Law 90-635 and implement the above-mentioned Customs Conventions. Representations submitted pursuant to the notice have been carefully considered.

The amendments as proposed, with technical and clarifying changes, and the deletion of the requirement for a bond in support of the undertaking provided for in present § 33.11(a), are adopted as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

1. The first sentence of paragraph (d) of § 8.4 is amended by inserting ", or an A.T.A. or E.C.S. carnet issued under Part 33 of this chapter" after "5119-A)", so that the sentence will read as follows:

§ 8.4 Preliminary examination of entry papers; making entry or withdrawal; applicable rate of duty; date of importation.

* * * * *

(d) Entry is made under an appraisement entry (customs Form 7500), a formal consumption entry (customs Form 7501), a combined entry for rewarehouse and withdrawal for consumption (customs Form 7519), an informal entry (customs Form 5119 or 5119-A), or an A.T.A. or E.C.S. carnet issued under Part 33 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, at the port or station with the customs officer designated to receive such entry papers and any duties or taxes required to be paid at the time of making entry have been deposited with the customs officer designated to receive such monies. * * *

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2. Paragraph (k) of § 8.6 is amended to read:

§ 8.6 Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.

* * * * *

(k) A nonresident consignee has the right to make entry but the bond, customs Form 7551, 7553, or other appropriate form when required, shall have thereon a resident corporate surety or, when a carnet is used as an entry form, an approved resident guaranteeing association.

* * * * *

(R.S. 251, 77A Stat. 14, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1484, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

3. Paragraph (a) of § 10.31 is amended by inserting ", unless covered by a carnet provided for in Part 33 of this chapter," after "shall" in the first sentence; by inserting the following new sentence after the second sentence: "When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry." and by changing "collector" in the final sentence to "district director of customs", so that the paragraph will read as follows:

§ 10.31 Entry; bond.

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States,[34] shall, unless covered by a carnet provided for in Part 33 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the articles is not over $250, the form prescribed for

the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. When entry is made on customs Form 7501, it shall be in original only except in the case of entries under item 864.05, in which case a duplicate copy shall be required for statistical purposes. When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry. In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond entry (1) the item number under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the district director of customs to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

§ 10.31 [Amended]

* * * * *

4. Footnote 34 to Part 10, § 10.31 is amended as follows:

a. Paragraph 1 is amended to read:

[34] "1. (a) The articles described in the provisions of this subpart, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that (1) articles imported under item 864.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such 6-month period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.

"(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.

b. Item 864.50 in paragraph 5 is amended to read:

"Item 864.50 Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents * * *."

5. Section 10.31(f) is amended to read:

(f) With the exceptions stated herein, a bond shall be given on customs Form 7563 in an amount equal to double the duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant is necessary to protect the revenue) had all the articles covered by the entry been entered under an ordinary consumption entry. In the case of samples solely for use in taking orders entered under item 864.20, Tariff Schedules of the United States, motion-picture advertising films entered under item 864.25, and professional equipment, tools of trade and repair components for such equipment or tools entered under item 864.50, the bond required to be given shall be in an amount equal to 110 percent of the estimated duties determined at the time of entry. A term bond on customs Form 7563–A, a general term bond on customs Form 7595, or, in appropriate cases, a carnet under Part 33 of this chapter, may be given in lieu of the bond on customs Form 7563. Cash deposits in the amount of the bond may be accepted in lieu of sureties. When the articles are entered under item 864.05, 864.20, or 864.50, Tariff Schedules of the United States, without formal entry, as provided for in §§ 10.36 and 10.36a, or the amount of the bond taken under any item of Schedule 8, Part 5C, Tariff Schedules of the United States, is less than $25, the bond shall be without surety or cash deposit, and the bond shall be modified to so indicate.

6. Section 10.36 is amended as follows: The first sentence of paragraph (a) and the first sentence of paragraph (d) are amended to read:

§ 10.36 **Commercial travelers' samples; professional equipment and tools of trade; theatrical effects and other articles.**

(a) Samples accompanying a commercial traveler who presents an adequate descriptive list or a special customs invoice, and professional equipment, tools of trade, and repair components for such equipment or tools imported in his baggage for his own use by a nonresident sojourning temporarily in the United States may be entered on the importer's baggage declaration in lieu of formal entry and examination and may be passed under item 864.20 or item 864.50, Tariff Schedules of the United States, at the place of arrival in the same manner as other passengers' baggage. * * *

* * * * *

(d) The privilege of clearance of commercial travelers' samples or professional equipment, tools of trade, and repair components for such equipment or tools imported for his own use by a nonresident sojourning temporarily in the United States on a baggage declaration under bond without surety or cash deposit shall not be accorded to a commercial traveler or such nonresident who, through fraud or culpable negligence, has failed to comply with the provisions of such a bond in connection with a prior arrival. * * *

7. Section 10.37 is amended to read:

§ 10.37 **Extension of bonds.**

A bond given to assure the exportation of a temporary importation entered under Schedule 8, Part 5C, Tariff Schedules of the United States, may be extended for not more than two further periods of 1 year each, or such shorter period as may be appropriate, by the district director of customs at the port where the entry was filed, upon written application to such district director on customs Form 3173, provided the articles have not been exported or duly destroyed before the receipt of the application by the district director, and provided liquidated damages have not been assessed under the bond before such receipt. No extension of the period for which a carnet is valid shall be granted.

§ 10.38 [Amended]

8. Section 10.38 is amended as follows:

a. Paragraph (a) is amended to read:

(a) Articles entered under a temporary importation bond may be exported at the port of entry or at another port. An application on customs Form 3495 shall be filed in duplicate with the district director of customs a sufficient length of time in advance of exportation to permit the examination and identification of the articles if circumstances warrant such action and, in such event, the applicant shall be notified on a copy of customs Form 3495 where the articles are to be sent for identification. If a carnet was used for entry purposes, the reexportation voucher of the carnet shall be filed, in addition to customs Form 3495, and the carnet shall be presented for certification.

b. Paragraph (c) is amended by changing "duplicate" in the first sentence to "triplicate."

c. Paragraph (d) is amended to read:

(d) If the goods are examined at one port and are to be exported from another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In such cases customs Form 3495 shall be filed in triplicate. Articles entered under a carnet shall not be examined elsewhere than at the port from which they are to be exported.

d. A new paragraph (g) is added as follows:

(g) Upon the presentation of satisfactory evidence to the district director at the port at which samples were entered under item 864.20, Tariff Schedules of the United States, or professional equipment or tools of trade were entered under item 864.50, that such articles cannot be exported for the reason that they have been seized (other than by seizure at the suit of private persons), the requirement of exportation shall be suspended for the duration of the seizure. The articles shall be exported promptly after release from seizure.

9. Section 10.39 is amended as follows: Paragraph (a) is amended by inserting (a) new sentence immediately after the first sentence, paragraph (d) is revised, and paragraph (e)(3) is amended by adding a sentence at the end.

§ 10.39 **Cancellation of bonds.**

(a) * * * A completed reexportation counterfoil on a carnet establishes that

the articles covered by the carnet have been exported, and no claim shall be brought against the guaranteeing association under the carnet for failure to export, except under the provisions of § 33.26 of this chapter. * * *

* * * * *

(d) (1) If any article entered under Schedule 8, Part 5C, Tariff Schedules of the United States, except those entered under a carnet, has not been exported or destroyed in accordance with the regulations in this part within the bond period (including any lawful extension), the district director shall make a demand in writing under the bond for the payment of liquidated damages equal to the entire amount of the bond. If the entry covering the articles is charged against a term bond, the demand shall be limited to an amount equal to double the estimated duties applicable to such entry, unless a lower amount is prescribed by § 10.31(f). The demand shall include a statement that a written application for relief from the payment of the full liquidated damages may be filed with the district director within 60 days after the date of the demand.

(2) If articles entered under a carnet have not been exported or destroyed in accordance with the regulations in this part within the carnet period, the district director shall promptly after expiration of that period make demand in writing upon the importer and guaranteeing association for the payment of liquidated damages in the amount of 110 percent of the estimated duties on the articles not exported or destroyed. The guaranteeing association shall have a period of 6 months from the date of claim in which to furnish proof of the exportation or destruction of the articles under conditions set forth in the Convention under which the carnet is issued. If such proof is not furnished within the 6-month period, the guaranteeing association shall forthwith pay the liquidated damages provided for above. The payment shall be refunded if the guaranteeing association within 3 months from the date of payment furnishes the proof referred to above. No claim for payment under a carnet covering a temporary importation may be made against the guaranteeing association more than 1 year after the expiration of the period for which the carnet was valid.

(e) * * *

(3) * * * Satisfactory documentary evidence of exportation, in the case of carnets, would include the particulars regarding importation or reimportation entered in the carnet by the customs authorities of another contracting party, or a certificate with respect to importation or reimportation issued by those authorities, based on the particulars shown on a voucher which was detached from the carnet on importation or reimportation into their territory, provided it is shown that the importation or reimportation took place after the exportation which it is intended to establish.

* * * * *

10. Section 10.41a is amended as follows: Paragraph (a) is amended, footnote 38 is amended, and new footnote 38a is added. Paragraph (b) is added, paragraphs (e) and (h) are amended, and paragraph (i) is added to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(a) (1) Lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic are hereby designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. The Commissioner of Customs is authorized to designate as instruments of international traffic, in decisions to be published in the weekly Customs Bulletin, such additional articles or classes of articles as he shall find should be so designated. Such instruments may be released without entry or the payment of duty, subject to the provisions of this section.

(2) Repair components for a particular container of foreign production which is an instrument of international traffic may be entered, or withdrawn from warehouse, for consumption without the deposit of duty if the person making the entry or withdrawal from warehouse files therewith his declaration that the repair component was imported to be used in the repair of a particular container of foreign production which is an instrument of international traffic, and the district director of customs is satisfied that the importer of the repair component had the declared intention at the time of importation. Liquidation of the entry covering the repair component shall be suspended until proof of use is furnished or the time allowed for the production thereof has expired. Upon satisfactory proof of the use of the repair component, the entry shall be liquidated free of duty. When such proof is not filed within 3 years from the date of entry or any extension of the period of the bond (see § 25.18(b) of this chapter), the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.[38]

(3) As used in this section, "instruments of international traffic" includes the normal accessories and equipment imported with any such instrument which is a "container" as defined in Article 1 of the Customs Convention on Containers.[38a]

(b) The reexportation of a container, as defined in Article 1 of the Customs Convention on Containers, which has become badly damaged, shall not be required in the case of a duly authenticated accident if the container (1) is subjected to applicable import duties and import taxes, or (2) is abandoned free of all expense to the Government or destroyed under customs supervision at the expense of the parties concerned, following the procedure outlined in § 15.4(c) of this chapter. Any salvaged parts and materials shall be subjected to applicable import duties and import taxes. Replaced parts which are not reexported shall be subjected to import duties and import taxes except where abandoned free of expense to the Government or destroyed under customs supervision at the expense of the parties concerned.

* * * * *

(e) The person who filed the application for release under paragraph (a) (1) of this section shall promptly notify a district director at a port of entry in the United States as defined in section 401(k), Tariff Act of 1930, as amended, (1) that the container is to be abandoned or destroyed, as described in paragraph (b) of this section, or (2) that the instrument is the subject of a diversion or withdrawal as described in paragraph (d) of this section, in which event he shall file with the district director a consumption entry for the instrument and pay all import duties and import taxes due on the container or instrument at the rate or rates in effect and in its condition on the date of such diversion or withdrawal.

* * * * *

(h) When an instrument of international traffic, as provided in paragraph (a) of this section, is returned to the United States and released in accordance with the provisions of that paragraph, any repairs which may have been made to the instrument while it was abroad are not subject to entry or the payment of duty whether the instrument is of

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[38] "Substantial containers and holders, if products of the United States (including shooks and staves of United States production when returned as boxes or barrels containing merchandise), or if of foreign production and previously imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, and repair components for a particular container of foreign production which is an instrument of international traffic * * * Free" (Item 808.00, Tariff Schedules of the United States.)

[38a] "* * * The term 'container' shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

"(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

"(ii) Specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

"(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

"(iv) So designed to be easy to fill and empty; and

"(v) Having an internal volume of one cubic metre or more.

and shall include the normal accessories and equipment of the container, when imported with the container; the term 'container' includes neither vehicles nor conventional packing; * * *." (Article 1, Customs Convention on Containers.)

foreign or domestic manufacture, whether it left the United States empty or loaded, and whether or not the repairs made abroad were in contemplation when the instrument left the United States.

(i) Containers and other articles designated as instruments of international traffic in accordance with this section are nevertheless subject to the application of the coastwise laws of the United States, with particular reference to section 883, title 46, United States Code (see § 4.93 of this chapter).

11. A new § 10.41c is added as follows:

§ 10.41c Containers accepted for transport under customs seal; requirements.

(a) Containers covered by the Customs Convention on Containers shall be accepted for transport under customs seal (see § 18.4 of this chapter), if (1) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers and (2) constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers as evidenced by an unexpired certificate of approval in the form prescribed by Annex 2 to that Convention or by a metal plate showing design type approval by the competent authority in the country of manufacture. The district director may nevertheless refuse to accept for transport under customs seal a container bearing evidence of approval if, in his opinion, the container does in fact no longer meet the requirements of the Convention.

(b) Containers, except those approved by design type, may be approved by the competent authority of the country in which the owner is resident or established or of the country where the container is used for the first time for transport under customs seal. Containers approved by design type may be approved only by the competent authority of the country of manufacture.

(c) The certificate of approval shall be inserted in a protective frame affixed to one of the outside walls of the container and shall be covered on both sides by transparent plastic sheets hermetically sealed together. The frame shall be so designed as to protect the certificate and make it impossible to extract the certificate without breaking the seal that will be affixed in order to prevent removal of the certificate; it shall also adequately protect the seal. The metal plate showing design type approval shall be affixed by the manufacturer in a clearly visible place on or near one of the doors or other main openings of each container manufactured to the approved design.

(d) Containers which are not approved under the provisions of the Customs Convention on Containers may be accepted for transport under customs seal only if the district director at the port of origin is satisfied that (1) the container can be effectively sealed and (2) no goods can be removed from or introduced into the container without obvious damage to it or without breaking the seal.

12. Paragraph (a) of § 10.68 is amended to read:

§ 10.68 Procedure.

(a) Theatrical scenery, properties, and effects, motion-picture films (including motion-picture films taken aboard a vessel for exhibition only during an outward voyage and returned for the same purpose during an inward voyage on the same or another vessel), and commercial travelers' samples, of domestic or foreign origin, taken abroad may be returned without formal entry and without payment of duty: *Provided*, That prior to exportation of such articles an exportation voucher from a carnet, when applicable, or an application on customs Form 4455 was filed and the merchandise was identified as set forth in § 10.8, governing the exportation of articles sent abroad for repairs. When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In the case of commercial travelers' samples taken abroad for temporary use, district directors, in their discretion, may waive examination at the time of exportation, except where exportation involves certification of a carnet. When motion-picture films are to be taken aboard a vessel for exhibition only during an outward voyage and are to be returned for the same purpose during an inward voyage on the same or another vessel, district directors may waive examination and supervision at the time of exportation. In the case of theatrical scenery, properties, and effects taken abroad by rail for temporary use in carload lots in cars sealed by customs officers for entry at any Canadian or Mexican port where U.S. customs officers are stationed, application and examination prior to or at the time of exportation is waived if customs Form 4455 is filed with the U.S. customs officer in the appropriate Canadian or Mexican port, and that officer examines the articles prior to their release from customs custody by the foreign customs officers.

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(77A Stat. 14, sec. 14, 67 Stat. 516, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Gen. Hdnote. 11), 1322, 1623, 1624)

PART 25—CUSTOMS BONDS

13. Section 25.1 is amended to read:

§ 25.1 Classes of bonds.

All bonds required to be given under the customs statutes or regulations shall be known as customs bonds and shall consist of two classes: Those approved by the Bureau and those approved by district directors of customs.[1] Carnets provided for in Part 33 of this chapter are guaranteed by separate undertakings with the Government of the United States and, accordingly, are acceptable in appropriate cases without posting of further security under customs statutes or regulations requiring bonds.

14. Paragraph (a)(15) of § 25.4 is amended to read:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(15) Bond for temporary importations, customs Form 7563, in an amount equal to double the estimated duties as determined at the time of entry (except in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade in which case the bond shall be in an amount equal to 110 percent of such estimated duties).

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(80 Stat. 379, R.S. 251, secs. 623, 624, 46 Stat. 759, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1623, 1624)

PART 33—CARNETS

15. Chapter I is amended to add a new Part 33 reading as follows:

Sec.
33.0 Scope.

Subpart A—General Provisions

33.1 Definitions.
33.2 Customs Conventions.
33.3 Carnets.

Subpart B—Issuing and Guaranteeing Associations

33.11 Approval.
33.12 Termination of approval.

Subpart C—Processing of Carnets

33.21 Acceptance.
33.22 Coverage of carnets.
33.23 Maximum period.
33.24 Additions.
33.25 Replacement of carnets.
33.26 Discharge of carnets.

Subpart D—Miscellaneous

33.31 Mail importations.
33.32 Samples for taking orders.
33.33 Action against carnet user.

AUTHORITY: The provisions of this Part 33 issued under R.S. 251, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1623, 1624.

§ 33.0 Scope.

This part is concerned with the use of international customs documents known as carnets. It also contains provisions concerning the approval of associations to issue carnets in the United States covering merchandise to be exported and to guarantee carnets issued abroad covering merchandise to be imported. The carnet serves simultaneously as a customs entry document and as a customs bond.

Subpart A—General Provisions

§ 33.1 Definitions.

The following are general definitions for the purpose of this Part 33:

(a) *Commissioner.* "Commissioner" means the Commissioner of Customs.

(b) *Issuing association.* "Issuing association" means an association approved by the Commissioner for the issue of carnets in the customs territory of the United States under a Customs Convention to which the United States has acceded.

(c) *Guaranteeing association.* "Guaranteeing association" means an association approved by the Commissioner to guarantee the payment of obligations under carnets covering merchandise entering the customs territory of the United States under a Customs Convention to which the United States has acceded.

(d) *A.T.A. carnet.* "A.T.A. carnet" (Admission Temporaire — Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.

(e) *E.C.S. carnet.* "E.C.S. carnet" (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commerical Samples.

§ 33.2 Customs Conventions.

The regulations in this part relate to carnets provided for in the following Customs Conventions:

(a) Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention).

(b) Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention).

§ 33.3 Carnets.

A carnet issued in conformity with the provisions of a Convention identified in § 33.2 and of the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the customs statutes and regulations which are involved. Such carnet shall (a) show the period for which it is valid, (b) be fully completed in accordance with the provisions of the Convention which provides for its issuance, and (c) include an English translation whenever the goods covered by a carnet are described in another language.

Subpart B—Issuing and Guaranteeing Associations

§ 33.11 Approval.

(a) *Document to be furnished.* Before an association may be approved to serve as issuing association or guaranteeing association or a guaranteeing association spect to carnets authorized under a Customs Convention to which the United States has acceded, such association shall furnish the Commissioner a written undertaking, in a form satisfactory to the Commissioner, to perform the functions and fulfill the obligations specified in the Convention under which carnets are to be issued or guaranteed.

(b) *Publication of notice of approval.* Notice of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

§ 33.12 Termination of approval.

(a) *For cause.* The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the customs regulations. Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

(b) *Withdrawal.* To be relieved of future obligations, an approved guaranteeing association must notify the Commissioner, in writing, not less than 6 months in advance of a specified termination date that it will not guarantee the payment of obligations under carnets accepted by district directors of customs after the specified date. The receipt of such notice by the Commissioner will in no way affect the responsibility of the guaranteeing association for payment of claims on carnets accepted by district directors before the designated termination date.

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

Subpart C—Processing of Carnets

§ 33.21 Acceptance.

A carnet executed in accordance with § 33.3 shall be accepted provided that when the carnet is presented an association for the guaranteeing of such carnets has been approved in accordance with § 33.11 and such approval has not been terminated as provided for in § 33.12.

§ 33.22 Coverage of carnets.

(a) *A.T.A. carnet.* The A.T.A. carnet is acceptable for goods to be temporarily entered under (1) the Customs Convention on the Temporary Importation of Professional Equipment, or (2) the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material.

(b) *E.C.S. carnet.* The E.C.S. carnet is acceptable for (1) commercial samples, or (2) motion-picture advertising films not exceeding 16 mm. consisting essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues; *Provided,* That the films:

(i) Relate to products or equipment offered for sale or for hire by a person established in the territory of another contracting party;

(ii) Are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and

(iii) Are imported in a packet which contains not more than one copy of each film and which does not form part of a larger consignment of films.

There shall be presented with each E.C.S. carnet covering motion-picture advertising films a statement showing how each of the foregoing requirements is met.

§ 33.23 Maximum period.

No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

§ 33.24 Additions.

When an A.T.A. or E.C.S. carnet has been issued, no extra item shall be added to the list of goods enumerated on the reverse of the cover of the carnet or on any continuation sheet annexed thereto.

§ 33.25 Replacement of carnets.

In the case of destruction, loss, or theft of an A.T.A. or E.C.S. carnet while the goods which it covers are in the customs territory of the United States, the district director of customs at the port where such goods were imported may, upon request of the association which issued the carnet abroad, accept a replacement document, the validity of which expires on the same date as that of the carnet which it replaces, provided the district director determines that the description of merchandise in the replacement document fully corresponds to the description set forth in the importation voucher from the carnet to be replaced.

§ 33.26 Discharge of carnets.

When a district director of customs has unconditionally discharged a carnet by completion of the appropriate certificate, no claim may be brought against the guaranteeing association for payment under the carnet, unless it can be established that the discharge was obtained improperly of fraudulently, or that there had been a breach of the conditions of temporary importation.

Subpart D—Miscellaneous

§ 33.31 Mail importations.

Carnets shall not be accepted for importations by mail.

§ 33.32 Samples for taking orders.

E.C.S. carnets may be accepted for unaccompanied samples and samples imported by a natural person resident in the customs territory of the United States, as well as for samples imported by a natural person resident in the territory of another contracting party to the E.C.S. Convention.

§ 33.33 Action against carnet user.

In the event of fraud, violation, or abuse of the privileges of a Convention, action may be taken against the users of carnets for applicable duties and charges or liquidated damages, as the case may be. Penalties to which such persons have thereby rendered themselves liable may also be imposed.

Effective date. Since the procedures provided for in these amendments are either optional with or voluntarily undertaken by the parties involved, good cause is found under 5 U.S.C. 553 for making the amendments effective less than 30 days after publication in the FEDERAL

REGISTER. These amendments shall be effective on June 30, 1969.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 17, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-7490; Filed, June 24, 1969; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

PART 1550—HOUSING FOR THE ELDERLY OR HANDICAPPED

In Title 24, Chapter III, a new Part 1550 is added as follows:

Sec.
1550.1 Definitions.
1550.2 General policy.
1550.3 Sponsorship.
1550.4 Eligible projects.
1550.5 Loan applications.
1550.6 Loan terms.
1550.7 Loan agreement.
1550.8 Regulatory agreement.
1550.9 Other requirements.
1550.10 Assistance to nonprofit organizations.
1550.11 Refinancing.

AUTHORITY: The provisions of this Part 1550 issued under title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q; and Secretary's delegation of authority to Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8968, June 29, 1966.

§ 1550.1 Definitions.

As used in this part:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q.

(c) "Applicant" means any nonprofit corporation no part of the net earnings of which inures to the benefit of any private shareholder, contributor, or individual, if such corporation is approved by the Secretary; any limited profit sponsor approved by the Secretary; any consumer cooperative; or any public body or agency eligible under section 202(a)(2) of the Act.

(d) "Construction" means erection of new structures or rehabilitation, alteration, conversion, or improvement of existing structures and includes acquisition of existing structures to be rehabilitated, altered, converted, or improved.

(e) "Development cost" means the costs of construction of housing and related facilities, and of land and necessary site improvements, and includes preliminary development costs, architect and engineering costs, organizational and development costs, legal and administrative costs, and interest during construction and rent-up period.

(f) "Elderly or handicapped families" means families consisting of two or more persons, the head of which (or his spouse) is 62 years of age or over or is handicapped; and any single person who is 62 years of age or over or is handicapped.

(g) "Handicapped person" means any person having a physical impairment which is expected to be of long-continued and indefinite duration, substantially impedes his ability to live independently, and is of such nature that such ability could be improved by more suitable housing conditions.

(h) "Housing and related facilities" means structures suitable for dwelling use by elderly or handicapped families, and structures suitable for use as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities.

(i) "Secretary" means the Secretary of Housing and Urban Development or any officer authorized to perform the functions of the Secretary.

(j) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 1550.2 General policy.

The purpose of the program described in this part is to provide assistance for the development of rental housing projects, to serve elderly or handicapped families whose incomes are below those needed to pay the rentals in adequate private-market housing, through direct loans where private financing is not available on equally favorable terms and conditions. Project design, site selection, and financial arrangements must be consistent with the ultimate purpose of providing pleasant living arrangements at minimum rentals to promote independent living by elderly or handicapped families.

§ 1550.3 Sponsorship.

An applicant either must be an established organization the purposes of which include promotion of the welfare of elderly or handicapped families or must be sponsored by a fraternal, civic, religious, charitable, or similar organization with long-term social and financial responsibility. The sponsor must be willing and able to maintain a continuing interest in and support of the project and its affairs during the life of the loan.

§ 1550.4 Eligible projects.

Loan assistance to finance the construction of housing and related facilities for elderly or handicapped families may be provided under the following conditions:

(a) Construction must not be of elaborate or extravagant design or materials and must be undertaken in an economical manner.

(b) Project design, site selection, and costs must provide access to community activities and services, a pleasant environment, and independent living units with kitchen facilities and separate bathrooms.

(c) Nursing homes, hospitals, or similar medical establishments, and chapels or other facilities of a religious nature are not eligible for loan assistance.

(d) Customary leasing arrangements with periodic payments for rentals and collateral services must be provided; life-care contracts, founders' fees, or similar arrangements are not permissible.

(e) An eligible facility must be financially feasible and essential for the welfare of the project residents, and may include such facilities as project-management office space, project workshops and storage space, recreation and social centers, snack bars, craft shops, multipurpose rooms, laundry facilities, and cafeterias or dining halls. Commercial facilities, such as grocery stores, restaurants, beauty and barber shops, may be included if they are essential for the elderly or handicapped families in the project and are not otherwise conveniently available to them.

§ 1550.5 Loan applications.

Information and application forms may be obtained from and applications submitted to the HUD Regional Office which serves the area in which the applicant or sponsoring organization is located. A list of HUD Regional Offices with their addresses and areas of jurisdiction appears at § 3.8 of this title. Prior to loan approval, an applicant must establish that:

(a) It has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to provide such security as shall be required by the Secretary;

(b) It has the ability to comply with the terms and conditions for repayment of the loan and operation of the project; and

(c) It has or will have such interest in or title to the project site, including access thereto, as will assure undisturbed use, possession, and operation of the facilities during the term of the loan.

§ 1550.6 Loan terms.

Loans shall be repayable within such period, not to exceed 50 years, shall bear interest at such rate, not to exceed 3 percent per annum, and shall be so secured and subject to such terms and conditions, as shall be determined by the Secretary. A loan may be in an amount not to exceed the total development cost of the project except that, in the case of limited profit sponsors, a loan may not exceed 90 percent of total development cost.

§ 1550.7 Loan agreement.

Upon approval of a loan and reservation of funds, the Secretary will prepare and forward a loan agreement for execution by the applicant. The loan agreement will set forth the terms and conditions of the loan and will also specify conditions which must be fulfilled precedent to the making of the loan. The fully executed loan agreement will constitute the loan contract between the

applicant and the Secretary during the life of the loan.

§ 1550.8 Regulatory agreement.

Prior to loan disbursement, an applicant is required to enter into a regulatory agreement with the Secretary under which the applicant shall agree (a) to establish rentals approved by the Secretary, (b) to limit occupancy of the project to elderly or handicapped families in accordance with occupancy criteria approved by the Secretary, including prescribed income limits, (c) not to rent any portion of the project for transient or hotel use, and (d) to provide a governing board and management acceptable to the Secretary.

§ 1550.9 Other requirements.

(a) All laborers and mechanics employed by contractors and subcontractors in the construction of housing and related facilities assisted under the Act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, 40 U.S.C. 276a—276a–5, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act, 40 U.S.C. 327–332.

(b) All contracts for construction work paid for in whole or in part from loan funds provided under the Act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act, 40 U.S.C. 276c, and the regulations of the Secretary of Labor thereunder (Part 3 of this title).

(c) The requirements of title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq., that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to projects receiving assistance under the Act.

(d) All contracts for construction work paid for in whole or in part from loan funds provided under the Act are subject to Executive Order No. 11246 (30 F.R. 12319, Sept. 28, 1965), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(e) The provisions of title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619, prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, or national origin, are applicable to projects assisted under the Act.

§ 1550.10 Assistance to nonprofit organizations.

Nonprofit organizations are eligible for financial assistance under section 106 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701x, to cover costs expected to be incurred in planning and obtaining financing for the rehabilitation or construction of housing projects for elderly or handicapped persons under the Act. Such assistance is in the form of 80 percent interest-free loans to cover such costs directly related to the project as organization expenses, legal fees, consultant fees, preliminary site engineering fees, site options, FHA and FNMA application fees, and construction loan fees. Requests for such assistance should be submitted to the FHA Assistant Commissioner for Multi-Family Housing, 451 Seventh Street, SW., Washington, D.C. 20411.

§ 1550.11 Refinancing.

Projects may be refinanced by mortgages insured under section 236(j) of the National Housing Act, 12 U.S.C. 1715z–1(j), provided that application therefor is made within a reasonable time after project completion. As a condition of obtaining a direct loan, an applicant must agree to seek such refinancing within 30 days after project completion if it finds that refinancing is feasible and advantageous to the occupants of the project. Application for refinancing should be made to the appropriate HUD Regional Office.

Effective date. This part shall be effective on June 19, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69–7464; Filed, June 24, 1969; 8:48 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is added to read as follows:

§ 1915.3 List of flood hazard areas.

Each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Hazard Map is identified as a flood plain area which has special flood hazards. In accordance with § 1915.2, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Fairbanks North Star Borough.	Fairbanks and vicinity.	H 02 039 0770 01	Alaska Department of Natural Resources, Juneau, Alaska 99801.	Fairbanks North Star, Borough Planning Division, Post Office Box 1267, Fairbanks, Alaska 99701.	June 24, 1969.
				Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	City of Fairbanks, Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	
Louisiana	Jefferson (Parish).	Metairie	H 22 051 1545 01	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, La. 70005 (on East Bank).	June 24, 1969.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968)

Effective date. This § 1915.3 shall be effective at the time this document is filed for public inspection at the Office of the Federal Register.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69–7491; Filed, June 24, 1969; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESTOA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest fall State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the closed of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wildlife and Fish Refuge during the period from March 1 until the first day of the earliest Fall State game bird or game animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, which ever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. All fishing is subject to the following conditions:

(1) During the open season from January 1, 1970, through December 31, 1970, and unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wildlife and Fish Refuge in Carroll County, Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which

govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective from January 1, 1970, through December 31, 1970.

Dated: June 18, 1969.

R. W. BURWELL,
Regional Director.

[F.R. Doc. 69-7446; Filed, June 24, 1969; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Tuberculin

On December 3, 1968, a notice of rule making was published in the FEDERAL REGISTER (33 F.R. 17921–17923) proposing to amend Part 73 of the Public Health Service Regulations, by prescribing specific standards of safety, purity, and potency for Tuberculin.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, which included requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling requirements as set forth in § 73.614(b) shall be effective when the manufacturer's current supplies of labels have been exhausted or 1 year from the date of publication of this amendment in the FEDERAL REGISTER, whichever date is earlier.

Part 73 of the Public Health Service Regulations is hereby amended as follows:

1. The table of contents is hereby amended by adding in numerical sequence, the following:

ADDITIONAL STANDARDS: TUBERCULIN

Sec.
73.610 Proper name and definition.
73.611 U.S. Standard preparations.
73.612 Production.
73.613 Potency test.
73.614 General requirements.
73.615 Equivalent methods.

§ 73.86 [Amended]

2. Section 73.86 is hereby amended by deleting the product names, dating periods and storage temperatures for "Tuberculin, Old", "Tuberculin, Patch Test", "Tuberculin, Purified Protein Derivative" and "Tuberculin, Tine Test", and inserting in lieu thereof, the following:

Tuberculin	*Old, concentrated:* Containing 50 percent glycerin, 5 years.
	Old, diluted: 1 year.
	Purified Protein Derivative, concentrated: 2 years containing 50 percent glycerin (5° C., 1 year).
	Purified Protein Derivative, diluted: 1 year. § 73.84 does not apply.
	Purified Protein Derivative, dried: 5 years.
	Old, dried on multiple puncture device: 2 years, provided labeling recommends storage at no warmer than 30° C. (30° C., 1 year).

3. The following is hereby added to Part 73, in numerical sequence:

ADDITIONAL STANDARDS: TUBERCULIN

§ 73.610 Proper name and definition.

The proper name of this product shall be Tuberculin, which shall be a preparation derived from *Mycobacterium tuberculosis* or *M. Bovis*.

§ 73.611 U.S. Standard preparations.

(a) The U.S. Standard Tuberculin, Old, shall be used for determining the potency of nonfractionated tuberculin, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1:10,000 dilution of this standard.

(b) The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fractions, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1: 5,000 dilution of this standard.

§ 73.612 Production.

(a) *Propagation of mycobacteria.* The medium used for production of mycobacteria shall not contain ingredients known to be capable of producing allergenic effects in human subjects.

(b) *Tests for viable mycobacteria.* The culture filtrate from each strain in its most concentrated form shall be shown to be free of viable mycobacteria by the following tests:

(1) *Animal test.* A 1.0 ml. sample of the filtrate shall be injected intraperitoneally into each of at least three healthy guinea pigs weighing between 300 and 400 gm. At least two-thirds of the animals must survive an observation period of at least 6 weeks and must show a normal weight gain. After the observation period the animals shall be necropsied and examined for signs indicative of tuberculosis except that animals that die during the observation period shall be necropsied and examined as soon as feasible after death. The filtrate is satisfactory for Tuberculin manufacture if none of the animals in the test show evidence of tuberculosis infection.

(2) *Culture test.* A 2.0 ml. sample of the filtrate shall be inoculated onto Löwenstein-Jensen's egg medium or other media demonstrated to be equally capable of supporting growth. A control test on the culture medium shall be conducted simultaneously with the sample under test and shall be shown to be capable of supporting the growth of small numbers of the production strain(s). All the test vessels shall be incubated at a suitable temperature for a period of 6 weeks under conditions that will prevent drying of the medium, after which the cultures shall be examined for evidence of mycobacterial colonies. The filtrate is satisfactory for Tuberculin manufacture if the test shows no evidence of mycobacteria.

§ 73.613 Potency test.

The potency of each lot of Tuberculin shall be estimated from a comparison of the responses obtained by the intradermal injection into sensitized guinea pigs weighing over 500 gm. of a sample of the lot under test and of the appropriate standard preparation. The U.S. Standard Tuberculin, Old, shall be used in determining the potency of tuberculins made from the concentrated filtrate of the soluble products of the growth of the mycobacteria. The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fraction of the soluble products of the growth of the mycobacteria. The test shall be performed as follows:

(a) *Sensitization of test animals.* At least four white guinea pigs shall be sensitized with *M. tuberculosis* or *M. bovis*. The degree of sensitivity shall be such that an intradermal injection of one U.S. unit of the appropriate standard preparation will produce in each test animal an erythematous reaction approximately 100 mm^2 within 18–24 hours.

(b) *Test Procedure.* The hair shall be removed from both sides of the sensitized test animals without producing abrasions of the skin. Dilutions of the standard containing 0.5, 1, 2, and 4 U.S. units in the test dose of 0.1 ml. and four comparable levels of activity of the lot under test shall be injected intradermally into opposite and parallel sites of each animal. Only three dilutions need be used when the initial concentration of the lot under test does not contain four units in 0.1 ml. Within 18–24 hours following injection, measurements of the greater and lesser diameters of erythema measured to the closest millimeter shall be made at each site. The mean value of the product of the diameters for each dilution shall be calculated. The number of U.S. units in the lot under test shall be estimated from its relationship to the reactivity of the appropriate standard preparation.

(c) *Potency.* The potency of the lot is satisfactory if the test results are within limits, as follows:

(1) *Products for Mantoux testing.* ±20 percent of the labeled U.S. units.

(2) *Liquid products for multiple puncture testing.* ±20 percent of the U.S. units claimed by the manufacturer in the license application.

(3) *Products dried on multiple puncture devices.* ±50 percent of the U.S. units claimed by the manufacturer in the license application.

§ 73.614 General requirements.

(a) *General safety.* Each lot of Tuberculin shall be tested for safety as prescribed in § 73.72, except that the sample of tuberculin from multiple puncture devices shall be obtained by removing the tuberculin in a manner that will permit the injection of material from at least five devices into each of two guinea pigs and from at least two devices into each of two mice.

(b) *Labeling.* In addition to complying with all other applicable labeling provisions of this part, the package label shall state the following:

(1) For Tuberculin for Mantoux testing, the number of U.S. units (TU) per dose.

(2) For Tuberculin for multiple puncture testing, a statement indicating that the activity per test is comparable to a stated number of U.S. units (TU) administered by the Mantoux method.

(3) The applicable type of Tuberculin placed immediately following and of no less prominence than the proper name, as follows:

(i) "Old," or

(ii) "Purified Protein Derivative" or "PPD."

(c) *Samples; protocols; official release.* For each lot of Tuberculin the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) Tuberculin distributed on a multiple puncture device, as follows:

(i) A total of no less than 100 devices,

(ii) A total of no less than 20 ml. of bulk tuberculin.

(3) A total of no less than 20 ml. of liquid tuberculin.

(4) Sufficient dried tuberculin in final containers so that upon reconstitution as recommended in labeling it will yield at least 20 ml.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.615 Equivalent methods.

Modification of any particular method or process or the conditions under which it is conducted as set forth in the additional standards relating to Tuberculin, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the product that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: April 23, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7462; Filed, June 24, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A20]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on April 29, 1969, pursuant to notice thereof which was issued April 16, 1969 (34 F.R. 6697).

The material issue on the record of hearing relates to the extension of the Class I base provisions of the order through December 31, 1970.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I base plan provisions of the order should be extended through December 31, 1970, the expiration date of the enabling legislation. The Class I base plan is now effective through December 31, 1969.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89-321 (Food and Agriculture Act of 1965) authorized Class I base plans for Federal milk orders through December 1969. The Congress has since extended that authorization through December 1970 by Public Law 90-559.

The extension of the Class I base plan was widely supported by producer groups, including the cooperative associations representing a major portion of the producers supplying the market. The only opposition testimony to the extension was from spokesmen representing possibly as many as 90 "new producers." A new producer is a producer under the order who does not hold a base. Some of the opposition testimony was that the new producers had relied on the termination date of December 31, 1969, and should have the opportunity of making new bases if the plan is extended.

In December 1968, 357 of the 1,866 producers supplying the market were new producers. Of these, 252[1] had taken on new producer status by selling the bases originally assigned to them. Since the inception of the Class I base plan in September 1967, the monetary return realized from the sale of Class I bases by 776 dairy farmers who sold them was about $7 million.

The decision providing for the Puget Sound Class I base plan specified December 31, 1969 as the termination date, the same termination date first provided by the Congress for the enabling legislation. Such authority was later extended by the Congress to December 31, 1970. A spokesman for new producers acknowledged that from the inception of the base plan in the market there was the possibility that the Congress might extend the enabling legislation. Such action, of course, would make possible consideration of an extension of the Puget Sound base plan. Whether a producer has held or sold his base was a personal decision based upon his own estimate as to whether the legislative authority for Class I base plans and the Puget Sound Class I base plan would be extended beyond December 31, 1969.

A Class I base plan assigns each producer a share of the Class I market in proportion to his deliveries to the market during a representative period. A production history base was computed for each producer on the market in May 1967 who delivered milk to a Puget Sound handler 120 days or more in August-December 1966. The production history base computed was the highest of such producer's average daily delivery in August-December 1964, 1965 or 1966 in which he delivered producer milk under the order on 120 days or more.

From his production history base a Class I base was computed for each producer. Such base represented his pro rata share of 120 percent of the average daily pounds of producer milk classified as Class I in 1966. Deliveries within the Class I base receive the base price and deliveries in excess receive the lower excess milk price. Neither the production history base nor the Class I base is adjusted because of changes in producer deliveries or in Class I sales.

As provided in the enabling legislation and specified in the order, any increase in Class I base resulting from enlarged or increased consumption and any producer Class I bases forfeited or surrendered must be made available first to new producers and to the alleviation of hardship and inequity among producers. Total Class I base available to new producers is prorated among them on the basis of their deliveries during the month. The Class I base assigned new producers in September 1967 through March 1969 averaged 32 percent of their deliveries, ranging between 18 percent and 50 percent in the 19-month period.

New producers opposed to the extension contended also that the Class I base plan should not be extended unless the provisions for allowing new producers to participate in the plan are amended to provide a larger share of the Class I market for such producers. A request presented at the hearing by a new producer spokesman would defer action on the proposal to extend the Class I base plan until consideration had been given at a hearing on a proposal to assign more Class I base to new producers than is now provided in the order.

The order provisions for assigning Class I base to new producers are in accord with the enabling legislation. The legislation, which has been extended through December 31, 1970, provides no authority for changing the basis for assigning Class I base to new producers. Under the law, Class I base may be assigned to new producers only as it becomes available through increased Class I sales and from forfeited and surrendered bases. For these reasons the request to continue the hearing is denied.

Of the 1,252 million pounds of milk pooled under the Puget Sound order in 1968, the 613 million pounds in the surplus utilizations (Class II and Class III) were 49 percent of producer deliveries. This approximates the utilization of producer milk in the surplus classes under the Puget Sound order in recent years. It is the type of surplus situation which the plan was designed by the Congress to remedy.

The market thus continues to show a large proportion of producer milk above Class I needs. Moreover, no change in marketing conditions since the inception of the Class I base plan which might justify early termination of the plan was cited on the record. The findings and conclusions of the decision issued by the Assistant Secretary on July 17, 1967, continue to be applicable to marketing conditions for producers and justify extension of the Class I base plan as proposed by the large majority of producers. Official notice is taken of the findings of

[1] Official notice is taken of Marketing Service Information for the Puget Sound Marketing Area, Vol. 19, No. 3, for March 1969, issued by the Market Administrator.

that decision (32 F.R. 10742) and they are adopted as if set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Puget Sound marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

The following order provisions, which are effective through December 31, 1969, are hereby made effective through December 31, 1970; §§ 1125.22(k)(2), 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 125.123, and 125.124.

Signed at Washington, D.C., on June 20, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7487; Filed, June 24, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COLBY CHEESE

Identity Standard; Optional Use of Liquid Smoke Product

Notice is given that a petition has been jointly filed by the County Line Cheese Co., Auburn, Ind. 46706, and Development Consultants, Inc., 5657 Vine Street, Cincinnati, Ohio 45216, proposing that the standard of identity for colby cheese (21 CFR 19.510) be amended to permit the optional addition, to impart a smoked flavor, of a clear aqueous solution prepared by condensing or precipitating wood smoke in water. Grounds given in support of the proposal are that (1) the experience gained from test marketing under a temporary permit established the need and consumer desire for the new product and (2) that providing for such use is in line with a recognized increasing tendency to use such a solution to impart a smoked flavor to food products.

Accordingly, it is proposed that § 19.510 (d) and (e) be revised to read as follows:

§ 19.510 Colby cheese; identity; label statement of optional ingredients.

* * * * *

(d) (1) Colby cheese in the form of slices or cuts may have added to it a clear aqueous solution prepared by condensing or precipitating wood smoke in water.

(2) Colby cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

(e) (1) If colby cheese has added to it a clear aqueous solution prepared by condensing or precipitating wood smoke in water, the name of the food is immediately followed by the words "with added smoke flavoring" with all words in this phrase of the same type size, style, and color without intervening written, printed, or graphic matter.

(2) If colby cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d)(2) of this section, the label shall bear the statement "_____ _____ added to retard mold growth" or _____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in subparagraph (2) of this paragraph, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter except for the statement "with added smoke flavoring," as set forth in subparagraph (1) of this paragraph.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-7433; Filed, June 24, 1969; 8:45 a.m.]

[21 CFR Part 19]

COTTAGE CHEESE

Identity Standard; Optional Use of Direct Acidification Method of Manufacture

Notice is given that a petition has been filed by the Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20005, proposing that the standard of identity for cottage cheese (21 CFR 19.525) be amended to provide for the optional use of the direct acidification method of manufacture.

Grounds given in support of the proposal are:

1. The direct addition of food grade acid to set the curd will eliminate the problems of variation in flavor and of the abnormal and erratic behavior of lactic acid-producing bacteria.

2. The new method will result in a cottage cheese that is equivalent to that produced by the procedures now permitted by the standard and that is uniform in flavor and physical characteristics.

3. The new method will result in greater economies in the production of cottage cheese—appreciable savings will be gained in the entire manufacturing process from the receiving of ingredients to the packaging of the product.

4. The enhanced keeping quality and shelf life of the product will benefit consumers.

5. The results of a consumer survey indicate that the product is acceptable to consumers.

Accordingly, it is proposed that § 19.525 (b) (1) be revised to read as follows:

§ 19.525 Cottage cheese; identity.

* * * * *

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; thereafter one of the following methods is employed:

(i) Harmless lactic acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt; or

(ii) Food grade phosphoric acid, lactic acid, citric acid, or hydrochloric acid, with or without rennet, is added in such amount as to reach a pH of between 4.5 and 4.7; coagulation to a firm curd is achieved while heating to a maximum of 120° F. without agitation during a continuous process. It may be warmed; it may be stirred; it is then drained. The curd is washed with water, stirred, and further drained. It may be pressed, chilled, worked, seasoned with salt.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7434; Filed, June 24, 1969; 8:45 a.m.]

[21 CFR Part 53]

TOMATO PUREE AND TOMATO PASTE

Identity Standards; Measurement of Tomato Soluble Solids by Refractometer

Notice is given that a petition has been filed by National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standards of identity for tomato puree (21 CFR 53.20) and tomato paste (21 CFR 53.30) be amended to provide for measurement of tomato soluble solids by refractometer instead of determining salt-free tomato solids by the vacuum oven drying method.

Grounds given in the petition in support of the proposal are that the proposed method for determining tomato solids (1) is both easier and faster than the laborious method presently required, (2) is accurate and reliable, (3) can readily be used by packers at their plants on a routine basis, (4) yields results which correlate with those obtained by the presently required method, and (5) would permit those processors who have not added salt to the product to avoid having to make a salt determination and a salt correction. Also, the Draft Provisional Standard for Processed Tomato Concentrates proposed by the Codex Alimentarius Commission provides for determination of tomato solids by refractometer.

Accordingly, it is proposed that:

1. Section 53.20 be amended by revising the text following paragraph (a) (3) but preceding paragraph (b) and by revising paragraph (b) (2); and

2. Section 53.30 be amended by revising the text following paragraph (a) (7) but preceding paragraph (b).

The affected portions would read as follows:

§ 53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.

(a) * * *
(3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.0 percent, but less than 24.0 percent, of natural soluble solids, as determined by the following method: Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828–30, Reference Tables 43.008 and 43.009 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent for the total soluble solids found shall be considered the percent of natural soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride—Official," of "Official Methods of Analysis of Association of Official Agricultural Chemists," 10th edition, 1965. Subtract the percent of sodium chloride from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural soluble solids.

(b) * * *

(2) The name specified for the food covered by this section is "tomato puree" or alternatively "tomato pulp"; however, if the only optional tomato ingredient used is the ingredient specified in paragraph (a) (1) of this section and the food contains not less than 20.0 percent of natural soluble solids as determined by the refractive index method specified in paragraph (a) (3) of this section, the name "concentrated tomato juice" may be used in lieu of the names "tomato puree" or "tomato pulp."

* * * * *

§ 53.30 Tomato paste; identity; label statement of optional ingredients.

(a) * * *
(7) * * *

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 24.0 percent natural soluble solids as determined by the following method: Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828–30, Reference Tables 43.008 and 43.009 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent for the total soluble solids found shall be considered the percent of natural soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride-Official," of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. Subtract the percent of sodium chloride found from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural soluble solids.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7435; Filed, June 24, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-51]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 14, 30, 92, and 435, in the vicinity of Attica, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions that will permit the Attica VORTAC to be deleted from the airway system, and permit a more efficient utilization of the airspace. The proposed actions would also provide a refinement of the airway structure for handling en route traffic into and from Cleveland, Ohio, terminal area.

1. Realign V-14 segment from Findlay, Ohio, with a 1,200-foot AGL floor via the intersection of Findlay 062° T (064° M) and Cleveland 258° T (261° M) radials; to Cleveland.

2. Realign V-30 segment from Waterville, Ohio, with a 1,200-foot AGL floor direct to Cleveland; direct to Akron, Ohio.

3. Realign V-92 segment from Waterville with a 1,200-foot AGL floor direct to Mansfield, Ohio.

4. Realign V-435 segment from Rosewood, Ohio, with a 1,200-foot AGL floor via the intersection of Rosewood 045° T (046° M) and Cleveland 241° T (244° M) radials (Upper Sandusky Intersection); to Cleveland.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7461; Filed, June 24, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18573; FCC 69-668]

TELEVISION BROADCAST STATIONS

Table of Assignments; Estherville and Fort Dodge, Iowa

In the matter of amendment of § 73.606 *Table of assignments,* Television Broadcast Stations (Estherville and Fort Dodge, Iowa), Docket No. 18573, RM-1438.

1. On April 4, 1969, the State Educational Radio and Television Facility Board (of Iowa) and Northwest Television Co., licensee of Station KVFD-TV, Fort Dodge, Iowa (hereinafter referred to as Iowa Educators and KVFD-TV respectively), filed a joint petition with this Commission requesting the replacement of Channel *28 with Channel *49 at Estherville, Iowa, and the addition of Channel *46 to Fort Dodge, Iowa. Emmet County with its population of 14,871 contains Estherville with its population of 7,927 persons. At the present time this community has only one television assignment, reserved Channel *28, which has no application pending for it. Fort Dodge with its population of 28,399 is located in Webster County which has 47,810 residents.[1] The only television allocation presently located at Fort Dodge is commercial Channel 21 licensed to petitioner's KVFD-TV.

2. Petitioners have come to an agreement to jointly use a proposed new television antenna tower to be located approximately 25 miles from Fort Dodge, near Bradgate, Iowa. They are both of the view that transmission from the proposed site would bring better service to a larger segment of the population adjacent to Fort Dodge. Such improved service is important, it is alleged, both to the economic welfare of existing KVFD-TV and to the proposed operation of the Iowa Educators on Channel *46 at Fort Dodge. The Iowa Educators are desirous of activating a television service at Fort Dodge as one key in a statewide educational television network. Their research and the research of the National Association of Educational Broadcasters indicate a statewide television network composed of 15 television stations. In this, the first stage of development, six television stations are contemplated. In order for the new antenna site to be available, both to KVFD-TV (Channel 21) and the Iowa Educators, it is essential because of our spacing requirements to delete Channel *28 from Estherville. It is proposed to replace it with Channel *49.

3. A computer analysis of channel availability indicates that Channel *46 will not violate any of our spacing requirements if assigned to Fort Dodge. Channel *49 would meet our spacing requirements at Estherville.

4. In view of the foregoing, the ample availability of frequencies in the Fort Dodge, Estherville area and the intent to provide at an early date, new service, we are proposing to change the television assignments at Estherville, Iowa from Channel *28 to Channel *49 and the assignment at Fort Dodge, Iowa from Channel 21 to Channel 21 and Channel *46.

5. Authority for the action proposed herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before July 28, 1969, and reply comments on or before August 8, 1969. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 18, 1969.

Released: June 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7482; Filed, June 24, 1969; 8:49 a.m.]

[1] All population statistics are in accordance with the 1960 U.S. Census.

[47 CFR Part 73]

[Docket No. 18574; FCC 69-669]

FM BROADCAST STATIONS

Table of Assignments; Lineville, Ala., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia), Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. Notice is hereby given of proposed rule making in the above-entitled matter, concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum

separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government, under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as otherwise noted, all population figures are from the 1960 Census.

2. *RM–1394, Lineville and Roanoke, Ala.* On December 2, 1968, Clay County Broadcasters filed a petition, amending it on January 9, 1969, seeking assignment of a first class A FM assignment to Lineville, Ala., by substitution of another channel for the assignment at Roanoke, Ala., as follows:

City	Channel No.	
	Present	Proposed
Lineville, Ala.		237A
Roanoke, Ala.	237A	272A

Lineville, with a population of 1,612 persons, is the largest community of Clay County, which has a population of 12,400 persons. The only other community in the county with a population in excess of 1,000 is Ashland (1,610), the county seat. There are no FM assignments in the county, whose only radio outlet is daytime-only Station WANL, Lineville, licensed to petitioner.

3. The petitioner submits that its proposal would permit establishing a first full-time outlet within Clay County, which, in 1963, had 28 manufacturing establishments with 893 employees providing an annual payroll of $2,657,000. In the same year, the county boasted 142 retail stores, with annual sales of $7,296,000, paying 204 employees total salaries of $450,000.

4. It appears that no channel meeting the minimum spacing requirements is available to Lineville without deletion or changes in one or more existing assignments. It is demonstrated by petitioner that Channel 237A can be assigned at Lineville and meet all separation requirements if that channel is deleted at Roanoke and Channel 272A substituted therefor. Channel 272A is presently occupied by a new station, WELR–FM, at Roanoke. It is therefore requested that Station WELR–FM be ordered to show cause why its channel should not be changed to Channel 272A. Petitioner shows that Channel 272A at the site authorized for WELR–FM would meet the separation requirements of the rules.

5. We are not convinced by petitioner's showing that the very small community of Lineville warrants a second aural outlet, especially when we note that Ashland, located about 6 miles from Lineville and serving as the county seat, is essentially equal in size but without any local outlet. It appears that Channel 237A would also work in Ashland if the Roanoke assignment is changed as proposed. In view of the foregoing, we are adopting a notice of proposed rule making here to determine whether there is any interest in assigning Channel 237A to Ashland and to give petitioner an opportunity to advance additional arguments as to why the assignment should be made to Lineville. We also invite comments from interested parties on their willingness to defray the reasonable costs of the proposed change in channel assignment for WELR–FM, Roanoke. Appropriate action will be taken with respect to the WELR–FM authorization in the event assignment of Channel 237A to either Lineville or Ashland is determined to be in the public interest.

6. *RM–1397, Bloomington, Ind.* Southern Indiana Media Corp. (SIMCO), a potential FM applicant, filed a petition on January 24, 1969, requesting assignment of Channel 244A to Bloomington, Ind., without requiring any other changes in the table, as follows:

City	Channel No.	
	Present	Proposed
Bloomington, Ind.	222, 279	222, 244A, 279

Bloomington has a population of 31,357 persons and is the largest city and county seat of its county, Monroe (population 59,225). Petitioner includes an engineering statement wherein it is demonstrated that the proposed assignment can be made and meet all minimum spacing requirements, providing a site is selected about 2 miles northeast of the Bloomington standard reference point. Regarding preclusion impact, it is shown that only a small area for the proposed channel would be involved, which contains no community of 1,000 or more population.[1] One AM, two TV and two FM stations presently operate in Bloomington. The AM station (unlimited-time), one TV station, and one FM station are operated by a common licensee. The remaining FM (on commercial Channel 279) and TV facilities are operated as noncommercial educational stations by Indiana University. There are no other AM or FM broadcast outlets in Monroe County.

7. In support of its proposal, SIMCO submits that Bloomington and its county increased 11.3 and 18.3 percent, respectively, between 1950 and 1960, and that Bloomington is attractive as a cultural center of central Indiana by virtue of its being the location of Indiana University. Statistics on the high industrial employment in the area are also cited. Finally, it is urged that making an additional commercial broadcast facility available to the area will permit a second commercial broadcast voice to the community, and it is pointed out that, since two of the three existing aural outlets are FM, the community is well oriented toward FM listening and would be well served by an additional FM facility.

8. Comments supporting petitioner's proposal were submitted by Bloomington Broadcast Co., who notes inter alia that a special 1965 census revealed that Bloomington's population had then reached 42,058 and that there was an estimated (1966) population of 9,500 in Bloomington's immediate suburbs. It is further claimed that the University of Indiana is one of the 10 largest in the country, with a 1967 full-time enrollment in excess of 27,000 students on the Bloomington local campus.

9. Under the population criterion used in making the Table of Assignments, cities of less than 50,000 population were normally restricted to two assignments, as was the case for Bloomington. However, as noted above (par. 6), one of the commercial channels made available to Bloomington is occupied by a station which operates solely as a noncommercial educational station. We consider under these circumstances that sufficient justification exists to warrant departure from the usual restriction of making only two assignments to a community of this size, since the petition represents, in effect, a proposal to assign a second commercial channel to Bloomington. We further note that no significant preclusion of other communities would accrue from the proposed "drop-in" assignment. Accordingly, we are inviting comments on petitioner's proposal to add Channel 244A to Bloomington and on our own proposal to designate Channel 279 for noncommercial educational use only. Since the proposals, if adopted, would result in mixture of commercial A and B channels for the same place of assignment, a result we attempt to avoid where possible, comments are also requested on this aspect of the matter.

10. *RM–1400, St. George, S.C.* In a petition filed December 10, 1968, and amended January 31, 1969, WQIZ Inc., St. George, S.C., seeks assignment of a first Class A channel to St. George as follows:

City	Channel No.	
	Present	Proposed
Charleston, S.C.	229	300
St. George, S.C.		228A

St. George has a population of 1,833 persons and is the county seat of Dorchester County, population 24,383. The community is located about 45 miles northwest of Charleston, S.C. An unoccupied Class A channel at Summerville is the only FM assignment in the county. There are two AM stations in the county, both daytime-only, one at Summerville, the other at St. George and licensed to petitioner. An application (BPH–6659) for a new station is pending for Channel 229 at Charleston.[2]

[1] We note that if sites are selected with proper consideration to the minimum spacing requirements of the rules, applications specifying Elletsville (1,222) and Broadview (1,865) would also be acceptable under the "10-mile" provision of § 73.203(b), if the assignment were made to Bloomington as proposed.

[2] Channel 221A, which could be assigned to St. George without any other changes in the table, was originally proposed by petitioner. That proposal was amended to that outlined above in deference to the Commission's interim policy of avoiding assignments on Channel 221A, pending completion of its study of a Table of Assignments for educational assignments on Channels 201–220 (Docket 14185).

11. In support of its request, petitioner urges that the assignment would permit a first local nighttime service to the city of St. George and its surrounding area. It is shown that Channel 228A can be assigned and meet the separation requirements if Channel 229, a presently unoccupied assignment at Charleston, is replaced by Channel 300. Although other channels appear to be available as a replacement at Charleston, it is suggested by petitioner that assignment of Channel 300 would be preferred to Channel 297, for example, since Channel 300 offers a minimum preclusion on other channels, and notes that Channel 296A would still be assignable to one or more of five places of significant populations in the general area.

12. We are of the opinion that petitioner's proposal to assign a first Class A channel to St. George warrants institution of rule making. We note, however, that assignment of Channel 228A would conflict with the recent assignment of the same channel in another rule making proceeding (RM–1264, Columbia, S.C., Docket 18125, FCC 69–571). In order to avoid a conflict between assignments, we are making a counterproposal requiring a substitution for the unoccupied assignment at Summerville and switching the channel proposed for St. George, as follows:

City (All in South Carolina)	Channel No.	
	Present	Proposed
Charleston	229, 236, 245	236, 245, 300
St. George		240A
Summerville	240A	228A

Comments are invited on the latter proposal in order that all interested parties may file pertinent comments with supporting data. We will consider substitutions of one of the other available channels at Charleston in this proceeding, but such proposal must be accompanied by a showing that any other available channel would offer less preclusion impact in other areas than would assignment of Channel 300.

13. *RM–1405, Muskegon, Mich.* In a petition filed February 6, 1969, Multi-Com, Inc., requests assignment of Channel 269A as a second FM assignment to Muskegon, Mich., as follows:

City	Channel No.	
	Present	Proposed
Muskegon, Mich.	295	269A, 295

Muskegon has a population of 46,485 persons and its SMSA (Muskegon-Muskegon Heights), consisting of Muskegon County, has a total population of 149,943. Two FM assignments have been made thus far within the SMSA: The Class B channel at Muskegon is occupied; Channel 237A at Whitehall is vacant. There are five AM stations operating within the SMSA, two unlimited-time and one daytime-only at Muskegon, an unlimited-time at Whitehall, and a daytime-only at Muskegon Heights.

14. The petition contains a showing that the proposed assignment can be made in conformance with the requirements of the rules without any other changes in the table. A preclusion showing is also included, but is inconclusive as to the impact that would be caused. It appears from our study, however, that only Channels 269A and 272A would be involved. Channel 269A would not involve any community that would not also be eligible (under § 73.203(b)) for the channel if the proposed assignment were made. The preclusion area for Channel 272A would include three communities, which either already have an assignment, or else other Class A channels are available. Thus, the preclusion resulting from the assignment would not be significant.

15. Petitioner supports its proposal by submitting statistical data on the retail outlets, manufacturing, wholesale, and unincorporated businesses for the city of Muskegon. It is urged that, except for the single existing Muskegon FM operation, the population residing in smaller communities immediately to the south have difficulty in receiving nighttime service from the Muskegon area due to the necessity for the AM stations to directionalize nighttime. It is submitted that these communities are closely associated, socially and economically, with the Muskegon-Muskegon Heights area, and that the requested assignment would alleviate a need for additional nighttime service.

16. We are persuaded that Muskegon, being the principal city of a relatively large metropolitan area, as well as having a population of its own approaching 50,000 persons, is of sufficient importance and size to warrant institution of rule making looking toward assignment of a second FM channel. However, as we have frequently indicated, we are reluctant to mix classes of channels in the same community, particularly in a principal city of a metropolitan area, as here. Accordingly, we are offering an alternate proposal to assign a second Class B channel to Muskegon, as follows:

City (All in Michigan)	Channel No.	
	Present	Proposed
Muskegon	295	283, 295
Fremont	257A	261A
Ludington	261A	292A
Zeeland	285A	257A

None of the above changes would involve occupied channels and all would appear to meet the minimum spacing requirements with other assignments.[3]

17. In view of the foregoing, we are inviting pertinent comments with supporting data from all interested parties on the petitioner's proposal and the alternate proposal outlined above to assign either Channel 269A or 283 to Muskegon, Mich. Proponents for the Class B assignment should accompany their comments with a preclusion showing for Channel 283 and the pertinent adjacent six channels.

18. *RM–1407, Paintsville and Jackson, Ky.* By a petition filed December 30, 1968, and supplemented on February 18, 1969, Big Sandy Broadcasting Co., Inc., proposes that Class C Channel 255 be assigned to Paintsville, Ky., by moving it from Jackson, Ky., and Channel 249A be assigned to Jackson as a replacement, as follows:

City	Channel No.	
	Present	Proposed
Jackson, Ky.	255	249A
Paintsville, Ky.	261A	255

Paintsville is the largest city and is the county seat of Johnson County, with populations of 4,025 and 18,300, respectively. Jackson has a population of 1,852 persons and is the seat of its county, Breathitt, which has a population of 14,600. Petitioner is licensee of Stations WSIP(AM), Class IV, and WSIP-FM, Channel 261A, at Paintsville, which are the only stations authorized in the county. A newly authorized daytime-only station (WEKG) operates at Jackson; Channel 255 assigned there is unoccupied.

19. In an earlier rule making proceeding, petitioner's proposal to assign Channel 255 to Paintsville in place of Channel 261A was denied because of the proposal of the present Jackson AM permittee to use the channel at Jackson. FCC 65–980, 6 R.R. 2d 1585 (1965). Petitioner states that it has determined from its 4 years experience in the operation of the Class A facility at Paintsville that extensive FM shadowing exists within the area it desires to service due to the mountainous terrain. It is claimed that this condition, together with the nighttime limitation imposed on its Class IV AM operation, has made it impossible to adequately serve the surrounding area dependent upon Paintsville for commercial, educational and cultural opportunities. In an associated engineering statement it is illustrated that use of Channel 255, because of other interrelated assignments in the area, is restricted to a relatively small area. In fact, the area includes neither Paintsville nor Jackson, but does include petitioner's existing FM site, from which location it is claimed all separation requirements with the other pertinent channels can be met.

20. Petitioner notes that no preclusion area would develop on the six pertinent adjacent channels, nor would a change in the existing preclusion area occur for Channel 255, if the proposed changes were adopted. Similarly, it is shown that assignment of Channel 249A at Jackson would not involve preclusion to any community without an FM assignment of sufficient size to warrant consideration. It appears that the relatively small

[3] In another outstanding rule making proceeding, RM–1358, Battle Creek, Mich., Docket No. 18424, we proposed to switch the present assignments of Fremont and Zeeland with one another. The alternate proposal herein for Fremont will not affect our consideration of the Battle Creek proposal. We propose to assign only one channel to Fremont.

areas that would lose a first or second FM service by the deletion of Channel 255 at Jackson would be, essentially, compensated for by comparable gains at other locations by assignment of the channel to Paintsville.[4]

21. Intermountain Broadcasting Co., Inc., permittee of Station WEKG (AM), Jackson, filed comments supporting the petitioner's proposal outlined above. Intermountain states that its president, Jerry F. Howell, filed comments in the earlier rule making which resulted in the assignment of Channel 255 to Jackson, wherein it was indicated that he would promptly file an application for its use to serve Jackson and surrounding areas. It was ultimately determined, however, that any site meeting spacing requirements for the channel would need to be at locations where line-of-sight and proper service could not be obtained over Jackson because of intervening terrain.[5] Thus, WEKG claims that plans for activating the channel were reluctantly abandoned. Based on the assumption that the channel now proposed for Jackson presents no spacing problems, Intermountain claims it will promptly file for Channel 249A upon its assignment to Jackson.

22. After careful consideration of the petitioner's proposal and the comments filed in this case, we conclude it offers sufficient merit to be included in a notice of proposed rule making. We are therefore inviting comments on the change in assignments outlined above. Action looking toward modifying the outstanding license for WSIP–FM, Paintsville, to specify operation on Channel 255 in lieu of Channel 261A, will be withheld pending a final decision in this case.

23. *RM–1416, Exmore, Va.* A petition filed on February 28, 1969, by James A. Rew, Jr., requests assignment of FM Channel 298 to Exmore, Virginia. Exmore, with a population of 1,566 persons, is located at about the midpoint of the Delmarva Peninsula in Northampton County (population 17,404), an area also referred to as the "Eastern Shore of Virginia". Petitioner estimates the current population within Exmore's town limits as 2,200 persons and the total population of the Eastern Shore (Virginia) at more than 55,000.

24. In support of its proposal, petitioner represents that Exmore is the leading commercial and retail market in a 60-mile radius and that it serves as the primary shopping center for the region. The local area boasts four local airports and plans for a new $3 million hospital expected to be built in the near future. Petitioner submits that the Eastern Shore has long been recognized as a leading agricultural and seafood area, and that Exmore is experiencing a significant growth in diversified industry, population and general importance within the area.

25. In further support of the proposal, petitioner submits that there are no existing FM or AM local outlets in Northampton County and that the only aural facilities authorized on the Eastern Shore are an operating daytime-only AM station and an outstanding construction permit for a Class B FM station, both located at Tasley in the northern portion (Accomack County) of the Virginia part of the peninsula. An engineering study is included representing that the proposal would provide a first FM service to a land area of 51 square miles containing 2,598 persons and a second such service to an area of 360 square miles containing 26,683 persons, practically eliminating thereby an existing FM "white area" near the southern end of the Eastern Shore. These computations are based on a contemplated operation equivalent to 50 kw ERP and an antenna height of 170 feet, as well as the authorized FM station at Tasley (50 kw, 320 feet).

26. It appears from engineering exhibits provided by petitioner that the area to which Channel 298 may be assigned and meet the minimum spacing requirements is essentially limited to the Eastern Shore. No community of comparable size would be precluded from assignment of the same channel on either the Eastern Shore or the mainland if it were assigned to Exmore.

27. In view of the showing of the relative importance of the community in the area, the gains of first or second FM service in a relatively isolated (service-wise) area, and the favorable preclusion aspects, we are inviting comments on the proposal to assign Channel 298 to Exmore, Va.[6]

28. *RM–1420, Montour Falls, N.Y.* On March 11, 1969, a petition was received from Watkins Glen-Montour Falls Broadcasting Corp., licensee of Station WGMF(AM), daytime-only, Watkins Glen, N.Y., requesting assignment of Channel 285A as a first FM channel to Watkins Glen-Montour Falls, N.Y. The communities, with populations of 2,813 and 1,533, respectively, are but 4 miles apart and are the largest in Schuyler County, which has a population of 15,044. There are no FM assignments in the county, and at present the petitioner's AM daytime-only operation is the county's only aural outlet.

29. The petitioner submits that Channel 285A is the only available channel that could be assigned in the area without requiring changes in existing stations. It is noted by petitioner, however, that it would propose to operate the channel at the site of its AM station if the assignment were adopted, in which case it would be 4.1 miles short to Station WOIV, Channel 286, De Ruyter, N.Y. Request is therefore made for waiver of the minimum separation requirements of § 73.207 of the rules. In the alternative, petitioner proposes that the channel be assigned for use at a location in the area that will meet the spacing requirements of the rules. In support of the proposed assignment, petitioner urges that there exists a dire need for a first FM and local nighttime service in the area. Letters from various individuals and organizations in the area expressing a desire for a first FM service are included with the petition.

30. We are not persuaded by petitioner's brief showing that waiving the minimum mileage separation requirements in order to make the proposed assignment would serve the public interest. We have previously stated on numerous occasions our reasons for not waiving minimum spacing requirements in FM rule making proceedings. See Rock Hill, S.C. FCC 67–387 and Lake Geneva, Wis., 9 FCC 2d 20 and 10 FCC 2d 530 (1967). It appears that sites other than that of petitioner's existing AM operation may be available from which all spacing requirements can be met. We are therefore denying the request for waiver of § 73.207 of the rules. We are of the opinion, however, that comments should be invited on the alternate proposal to assign the channel to the area, subject to use of a site meeting all the technical requirements of the rules.

31. It is not apparent from information made available with the petition that a site meeting such requirements would be available with respect to Watkins Glen, because of the required distance from that city. We are therefore limiting our invitation for comments to the proposed assignment of Channel 285A to Montour Falls. Parties supporting such proposal should provide a showing of the availability of a site from which the minimum required signal can be placed over the community, including a terrain profile graph of a radial between such site and the far city limits.

32. *RM–1426, Catlettsburg, Ky.* By a petition filed March 18, 1969, K & M Broadcasting Co. seeks assignment of Channel 224A as a first FM assignment to Catlettsburg, Ky., without requiring any other changes in the Table. It appears that the proposed assignment would meet the required spacing requirements with all other channels, providing a site about 1 mile west or northwest of Catlettsburg is used.

33. Catlettsburg, with a population of 3,874 persons, is the county seat of Boyd County, population 52,163, both of which are a part of the Huntington, W. Va.-Ashland, Ky. SMSA. Catlettsburg is in

[4] The "white" and "gray" showings provided by petitioner would be somewhat less than represented if reasonable assumptions are assumed for certain assignments (including Channel 249A at Jackson) in accordance with criteria previously determined acceptable for this purpose (FCC 67–665, 32 F.R. 8530).

[5] Exhibits by petitioner herein indicates that use of Channel 255 at Jackson would need to be located about 10 miles northeast of Jackson in order to meet the minimum spacing requirements with other authorized stations.

[6] Petitioner notes that assignment of Channel 298 would conflict with proposed channel changes involved in another rule making proposal for Chesapeake, Va. (RM–1402), and shows that Channel 241 could also be assigned to Exmore, thereby avoiding a conflict if the Chesapeake proposal were adopted. We will consider Channel 241 as an alternate proposal in the instant proceeding in the event a decision is reached that assignment of a Class B channel to Exmore would be in the public interest. In such an event, preclusion aspects will also be a consideration for Channel 241.

the Huntington-Ashland Urbanized Area.[7] There are presently two FM channels listed in the table for Ashland, which is also in Boyd County and is its largest city. Both are occupied by a Class C at Ashland and a Class A authorized for use at Grayson, Ky. (under § 73.203 (b) of the rules), which is outside of the Huntington-Ashland SMSA. Three Class B channels have been assigned to Huntington, two of which are occupied, and the third, Channel 300, is the subject of a consolidated hearing involving two applications (Dockets Nos. 18439–40). One application proposes use of the channel at Huntington; the other application, filed by petitioner herein, proposes use of the channel at Catlettsburg. The petitioner is also an applicant (BP–18042) for a first AM station at Catlettsburg.

34. Petitioner submits that the mutual exclusivity of its pending application with the Huntington application for the last remaining unoccupied assignment in the area "threatens a long, protracted, and expensive hearing proceeding", and urges, therefore, institution of rule making to "drop-in" the Class A assignment proposed herein in order that it may amend its application to specify such channel and avoid the need for the hearing.

35. As we have previously stated (Public Notice, May 12, 1967, 9 R.R. 2d 1245), making additional assignments in order to avoid the necessity of hearings will not ordinarily be sufficient basis for instituting rule making proceedings for additional FM assignments. However, in the instant case it appears that the community of Catlettsburg is of sufficient size and importance as seat of its county to warrant consideration for a first Class A assignment, irrespective of petitioner's desire to avoid a hearing. Use of a Class A channel for a smaller urbanized community, as is proposed here, would also be more commensurate with the purposes such channels are designed than would the comparable use of a Class C channel, for which petitioner has filed an application. (See § 73.206 (a) (2) and (b) (2).) Furthermore, it would serve to replace Channel 292A originally assigned in the county but ultimately authorized at Grayson (Carter County) under the former "25-mile" provision of § 73.203(b).

36. It is shown in an engineering supplement to the petition that areas would develop where Channels 223 and 224A would be precluded from future assignment if the proposal were adopted. However, it appears that any community contained within the areas with 2,500 or more population either has one or more existing assignments or another channel would be available.

37. Accordingly, it is our opinion that sufficient favorable considerations prevail here to warrant institution of rule making in order that comments from interested parties may be submitted on the proposal to assign Channel 224A to Catlettsburg, Ky.

[7] The populations of the Huntington-Ashland SMSA and Urbanized Area are, respectively, 254,780 and 165,732.

38. *RM–1431, Winona, Miss.* In a petition filed March 24, 1969, Panola Broadcasting Co., licensee of AM Station WBLC, daytime-only, Batesville, Miss., proposes that Channel 244A be substituted for Channel 240A at Winona, Miss., so as to permit acceptance of an application to use Channel 240A, presently assigned and unoccupied at Sardis, Miss., at Batesville under the "10-mile" provision of § 73.203(b). An application for Batesville specifying Channel 240A would not now be acceptable, since it would not meet the cochannel spacing requirements with Channel 240A assigned at Winona. The Winona assignment is unoccupied.

39. Since the action requested here would increase the places for which applications specifying the unoccupied Sardis assignment may be filed, we believe institution of rule making is warranted and are therefore inviting comments from interested parties on the proposal to substitute Channel 244A for Channel 240A at Winona, Miss.

40. *RM–1404, Braddock Heights, Md.* In a petition filed February 6, 1969, Musical Heights, Inc., seeks assignment of Channel 280A to Braddock Heights, Md., by substitution of Channel 288A for vacant Channel 280A at Front Royal, Va., as follows:

City	Channel No.	
	Present	Proposed
Braddock Heights, Md		280A
Front Royal, Va	280A	288A

Braddock Heights is an unincorporated residential community of 660 persons located about 5 miles west of Frederick, both in Frederick County.[8] Frederick County has a population of 71,930. The only local outlet in the community is AM Station WMHI (daytime-only), licensed to petitioner. The remaining aural outlets in the county consist of two AM stations (one daytime-only and one unlimited-time), and a Class C FM station, all located in the city of Frederick.

41. The petition is accompanied by an engineering showing indicating that the substitution of Channel 288A at Front Royal would be in full compliance with the rules and that the spacing requirements can be met for the proposed assignment for Braddock Heights if a site about midway between Hagerstown and Frederick, and slightly under 8 miles from the community of Braddock Heights, is selected. The petitioner submits that the proposed assignment would not necessitate a waiver of the rules and would provide Braddock Heights with its first nighttime service and a first competitive FM service for Frederick County.

42. The petition includes a terrain profile graph of a radial drawn between an assumed elevated site and the community, by which it is claimed that an antenna height above average terrain over the selected radial of at least 600 feet could be obtained, thereby permitting the 3.16 mv/m contour, the minimum signal required over the principal community, to extend about 4 miles beyond Braddock Heights.[9] This prediction is based on a maximum allowable power of 3 kw. for Class A channels and also appears to be based on the unsupported assumption that the site considered would provide an antenna height above average terrain for the standard eight radials of only 300 feet or less. If the antenna height above average terrain were anything greater than 300 feet for the anticipated operation, it would be necessary to reduce the maximum power pursuant to § 73.211(b) of the rules. Thus, it is not possible to determine from the information submitted whether the anticipated operation could, under the rules, provide the minimum required signal over the farthest town limits of Braddock Heights.[10]

43. It appears from the proponent's preclusion study that by the substitution of Channel 288A for Channel 280A at Front Royal, Channel 280A, if not assigned to Braddock Heights, would become available to a number of larger communities that are without a first FM or AM assignment, including the following with populations of over 2,000: Hancock, Md. (2,005); Strasburg, Va. (2,428); and Romney, W. Va. (2,203).

44. We are of the opinion that petitioner's proposal merits inclusion in the subject notice in order that comments with pertinent supporting data may be filed by interested parties, concerning use of this channel at Braddock Heights or another community in the area. Proponents of the proposal should include a showing that the minimum required signal can be provided over the entire town limits of Braddock Heights. This determination should be based on the anticipated antenna height above ground and above average terrain (eight standard radials) at an assumed suitable and available site from which all spacing requirements can be met.

45. In view of the small size of Braddock Heights and its proximity to Frederick, we also invite counterproposals on use of Channel 288A at one of the larger places listed in paragraph 43, above, or elsewhere in the general area where it will meet applicable mileage separations. We are not persuaded that, used at Braddock Heights on the basis proposed, it would necessarily represent

[8] Braddock Heights is not listed in the 1960 U.S. Census. The population of 660 was accepted in another proceeding involving petitioner's AM application. (Musical Heights Inc., 19 R.R. 49.)

[9] If true, the 3.16 mv/m contour would also include a portion of the city of Frederick.

[10] It is noted here that the town limits were established to be about 2 miles in length and 0.32 to 0.48 miles in width in connection with petitioner's AM application (BP–10918) for Station WMHI. On this basis, the site considered by petitioner in this proceeding would be about 9 miles from the extreme town limits so established. This becomes significant in this case, since the "normal" distance for a 3.16 mv/m contour for a maximum Class A facility is about 8 miles.

an efficient or desirable utilization of the FM spectrum; pertinent in this connection would be a showing as to what preclusion effect assignment of Channel 288A as a replacement at Front Royal—which is a prerequisite to the proposed assignment—would have on possible use of that channel in other places.

46. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

47. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 28, 1969, and reply comments on or before August 8, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

48. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 18, 1969.

Released: June 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-7483; Filed, June 24, 1969; 8:49 a.m.]

[1] Commissioner Cox dissenting to the proposal for Braddock Heights, Md.; Commissioners Wadsworth and Johnson concurring in the result.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 18)]

MEMPHIS, TENN., COMMERCIAL ZONE

Redefinition of Limits

JUNE 20, 1969.

Redefinition of the limits of the Memphis, Tenn., commercial zone, heretofore defined in Ex Parte No. MC-37 Commercial Zones and Terminal Areas (Memphis, Tenn., Commercial Zone) 71 M.C.C. 467.

Petitioners: Day & Night Manufacturing Co. and The Payne Co., Divisions of Carrier Corp. Petitioners' representative: Robert L. Miller, 97 South Byhalia Road, Collierville, Tenn. 38017.

By petition filed April 30, 1969, Day & Night Manufacturing Co. and The Payne Co., Division of Carrier Corp., request the redefinition of the limits of Memphis, Tenn., commercial zone which were last defined on April 15, 1957, in the 15th Supplemental Report of the Commission in Commercial Zones and Terminal Areas, 71 M.C.C. 467 at page 470, so as to include an area extending easterly from the present zone limits to Collierville, Tenn.

As presently defined, the Memphis commercial zone is bounded, in part, by a line drawn 5 miles beyond the corporate limits of Memphis. Petitioners request the Commission to include within the zone an area bounded by a line commencing at the intersection of the present zone limits with U.S. Highway 72 near Germantown, Tenn., and extending southeasterly along said highway to the junction of U.S. Highway 72 and Byhalia Road, thence south along Byhalia Road to the Tennessee-Mississippi State line, westerly thence along said State line to its intersection with the present limits of the Memphis commercial zone. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Memphis, Tenn., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1969. Each such statement shall contain a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7466; Filed, June 24, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HIROSHIMA PEACE CENTER ASSOCIATES AID TO BIAFRAN CHILDREN—A PROGRAM OF HPCA

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Hiroshima Peace Center Associates Aid to Biafran Children—A Program of HPCA, 380 Madison Avenue, New York, N.Y. 10017

Dated: June 17, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-7484; Filed, June 24, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LIVESTOCK FEED PROGRAM

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1–4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

UTAH

Kane.

WASHINGTON

Okanogan.

Signed at Washington, D.C., on May 16, 1969.

GEORGE V. HANSEN,
Deputy Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-7453; Filed, June 24, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CANCER RESEARCH LABORATORY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00640-33-46040. Applicant: Cancer Research Laboratory, Mercy Hospital, 1400 Locust Street, Pittsburgh, Pa. 15219. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in four major areas of biological and medical investigations in the hospital which include the following:

1. The study of biopsy specimens from patients with carcinomatous myopathies.

2. The examination of cell-free supernatants having leukemogenic activity in cell cultures for the presence of virus particles.

3. The study of polyribosome formation during differentiation of the embryonic chick lens in vitro and the associated synthesis of specific proteins.

4. The examination of various different types of human tumor specimens obtained during surgical biopsy.

Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00642-33-46500. Applicant: Veterans Administration Hospital, Oteen, N.C. 28805. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research concerning utrastructural investigation of human and animal lung, heart, and other biological specimens. Because of the continuity of cellular structure, it is important that the instrument be able to cut long series of equal thickness serial sections. The ability to cut thin sections down to 50 angstroms with a thermal advance system is very desirable. Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00644-82-58200. Applicant: Miami University, Oxford, Ohio 45056. Article: Pulmac Permeability Tester (PPT). Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article will be used to evaluate the properties of beaten pulp in a general study of stock preparation systems and testing procedures. The first two phases of this long range program are:

1. The development of a method for evaluating highly beaten pulp to be used in manufacturing carbonizing tissue.

2. A study of the effect of stock concentration during the beating process. This involves a complete evaluation of the pulp properties after beating to determine certain properties relating to drainage and surface characteristics.

Application received by Commissioner of Customs: June 2, 1969.

Docket No. 69-00645-33-46500. Applicant: The Franklin Institute Research Labs., 20th and Parkway, Philadelphia, Pa. 19103. Article: Ultramicrotome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used in connection with research presently being pursued for the identification by electron diffraction techniques of crystalline substances which are present in thin tissue samples prepared by ultramicrotomy. These crystalline particles are of greater density than the tissue itself which requires sections as thin as possible (50 angtroms) to assure that a satisfactory diffraction pattern will be obtained. The thin 50-angstrom sections also are necessary to obtain maximum resolution of the fine structure within the crystalline particles. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00646-33-46040. Applicant: Cold Spring Harbor Laboratory of Quantitative Biology, Bungtown Road,

Post Office Box 100, Cold Spring Harbor, Long Island, N.Y. 11724. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an integral part of a number of on going research projects, most of which require microscopy at the molecular level. Of particular importance are the following:

1. Investigation of the structure and function of ribosomes.
2. Investigation of the structure of replicating deoxyribonucleic acid.
3. Mapping of ribosome initiation sites on messenger ribonucleic acid.
4. The mechanism of infection by ribonucleic acid bacterial viruses.

Application received by Commissioner of Customs: June 3, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7455; Filed, June 24, 1969; 8:47 a.m.]

NEW YORK UNIVERSITY MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is publishd in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00647-33-46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used both for specific research purposes and for teaching of ultrastructure of nervous system tissues to medical students, hospital medical residents and research fellows. The research purposes are as follows:

A. Study of ultrastructure of human and experimental brain tumors.

B. Study of experimental hydrocephalus induced by metallic tellurium.

C. A comparative in vivo and in vitro ultrastructural study of myelination of the central and peripheral nervous systems.

D. Ultrastructure of human demyelinating diseases and lipidoses.

Application received by Commissioner of Customs: June 3, 1969.

Docket No. 69-00648-33-46040. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, P.R. 00935. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a program concerned with the induction of interferon in tissue culture cells by polynucleotides and the effect of irradiation on this process. An attempt will be made to study some of the molecular parameters concerned with the induction of interferon and its interaction with the host-virus system. Furthermore, the intentions are to make a serious attemp to follow virus latency at the cellular level using both high resolution and standard microscopy. Application received by Commissioner of Customs: June 3, 1969.

Docket No. 69-00649-33-46040. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Electron microscope, Model HS-8. Manufacturer: Mitachi, Ltd., Japan. Intended use of article: The article will be used for teaching, research and service. For teaching, it will be used to (1) train students in medical technology, (2) train post sophomore medical students interested in undertaking a research project involving electron microscopy, (3) teach basic electron microscopic techniques to interns and residents in pathology, and (4) complement a Ph. D. program in pathology which has been in effect for years. Research consists of exploring the ultrastructure of endometrium and highly proliferative tissues. Service encompasses all liver and renal biopsies routinely processed for electron microscopic studies by the institution. Application received by Commissioner of Customs: June 4, 1969.

Docket No. 69-00650-30-7200. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Rheogoniometer, R. 18 Type C/2d. Manufacturer: Farol Research Engineers, Ltd., U.K. Intended use of article: The article will be used to study the rheological properties of viscoelastic and power law fluids. In particular, it will be used to determine the effect of changes in shear rate, about a steady state shear, upon the stress response of the fluids. Proper identification of the fluid properties is vital to ongoing research in fluid mechanics, and mass transfer. It will be significant in heat transfer and thermodynamics research. Application received by Commissioner of Customs: June 4, 1969.

Docket No. 69-00652-65-46070. Applicant: Drexel Institute of Technology, 32d and Chestnut Streets, Philadelphia, Pa. 19104. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for various graduate research programs which have as their objective a detailed and quantitative understanding of structure, surface detail, and fracture in relation to: Composite materials, powder metallurgy, polymetric materials, soft polymers in biomaterials research, ceramic materials, and electronic materials. Application received by Commissioner of Customs: June 5, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7454; Filed, June 24, 1969; 8:47 a.m.]

PLANETARIUM OF THE VANDERBILT MUSEUM

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00500-16-66700. Applicant: Planetarium of the Vanderbilt Museum of the County of Suffolk, N.Y. 11721. Article: Planetarium projector, Model JHS Custom. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs at the Planetarium of the Vanderbilt Museum, including astronomy and navigation instruction. Article will also be used in preparing photographic sky charts for press release purposes, to aid observers in fireball trajectory end point coordinate determination in connection with the NAFT (Network for the Analysis of Fireball Trajectories) program, and in conjunction with the telescope to be installed on same premises in anticipated cooperation

with the program of AAVSO (American Association of Variable Star Observers). Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a planetarium that provides precise simulation of the sky and the motion of astronomical bodies in a program that includes instruction in astronomy and navigation, as well as the preparation of charts to aid observers in the determination of end point coordinates in connection with the analysis of fireball trajectories. The only known domestic manufacturer of planetaria suitable for such purposes is the Spitz Laboratories (Spitz) which offered to furnish its Model STP planetarium without modification. The Spitz Model STP has an instrument cutoff of 5.85 magnitude which can be raised to 5.95, which is equivalent to providing 4,000 stars of correct magnitude. The foreign article provides a cutoff magnitude of 6.50 and about 9,000 stars which are visible under ideal conditions to the naked eye and can be accurately positioned. We are advised by the National Bureau of Standards (NBS) in its memorandum of June 4, 1969, that since the number of stars visible at a given cutoff magnitude increases exponentially with the cutoff magnitude, the larger cutoff magnitude of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Spitz Model STP is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7456; Filed, June 24, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (35-805V) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a combination drug containing chlortetracycline and sulfamethazine that is administered free choice to cattle in a protein block form as an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7436; Filed, June 24, 1969; 8:46 a.m.]

CPC INTERNATIONAL, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2422) has been filed by CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632, proposing that § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) be amended in paragraph (b)(1) to provide for the safe use of calcium disodium EDTA in pickled cabbage, at a level not in excess of 220 parts per million, to promote color, flavor, and texture retention.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7437; Filed, June 24, 1969; 8:46 a.m.]

DOLE CO.

Canned Pineapple Juice Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to The Dole Co., Division of Castle & Cook, Inc., Honolulu, Hawaii 96801. This permit covers interstate marketing tests of canned pineapple juice deviating from its standard of identity (21 CFR 27.54) in that it is prepared from frozen concentrated pineapple juice, an ingredient not provided for by such standard. The finished food will be labeled in part "unsweetened pineapple juice from concentrate."

The term of this permit is from May 31, 1969, to May 31, 1970.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7438; Filed, June 24, 1969; 8:46 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (13-162V) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of tylosin in the feed of laying chickens for improving feed efficiency.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7445; Filed, June 24, 1969; 8:46 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (39-004V), notice of which was published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5635), proposing that the food additive regulations be amended to provide for the safe use of a combination drug containing diethylstilbestrol and methimazole in feed for beef cattle to promote fattening, growth, and feed efficiency.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7439; Filed, June 24, 1969; 8:46 a.m.]

PENNWALT CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2423) has been filed by Pennwalt Corp., Lucidol Division, 1740 Military Road, Buffalo, N.Y. 14240, proposing that § 121.2562 *Rubber articles intended for repeated use* (21 CFR 121.2562) be amended to provide for the safe use of 2,5 - dimethyl - 2,5-di(*tert*-butylperoxy) hexane as a vulcanizing agent in the production of rubber articles intended for repeated food-contact use.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7440; Filed, June 24, 1969; 8:46 a.m.]

[Docket No. FDC-D-133; NDA No. 12-957]

PITMAN-MOORE

Toldex Tablets: Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6449), the holder of the new-drug application for Toldex Tablets (a drug containing 0.5 milligram of dexamethasone and 88.0 milligrams of phenyltoloxamine dihydrogen citrate per tablet) and any other interested person were invited to submit pertinent data on the drug's effectiveness. The available information does not provide substantial evidence of effectiveness of the drug for its recommended use as an anti-inflammatory, antihistaminic, and calmative agent in dogs.

Therefore, notice is given to Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 12-957 and all amendments and supplements thereto held by Pitman-Moore for the drug Toldex Tablets on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 12-957 should not be withdrawn. Promulgation of the order will cause any drug for canine use containing dexamethasone and phenyltoloxamine dihydrogen citrate and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7441; Filed, June 24, 1969; 8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0837) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of tolerances (21 CFR Part 120) for combined negligible residues of the herbicide dichlobenil (2,6-dichlorobenzonitrile) and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities almond hulls, figs, nuts, and stone fruits at 0.15 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is that of Kenneth J. Meulemans and Edwin T. Upton published in the "Journal of Official Analytical Chemists," vol. 49, pp. 976-981 (1966).

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7442; Filed, June 24, 1969; 8:46 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2416) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of glyceryl polyoxypropylene triol (average molecular weight 1,000) as a component of food-packaging adhesives.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7443; Filed, June 24, 1969; 8:46 a.m.]

WYANDOTTE CHEMICALS CORP. AND STEPAN CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2405) has been filed jointly by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and Stepan Chemical Co., Edens and Winetka, Northfield, Ill. 60093, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of α-hydro-*omega*-hydroxypoly (oxyethylene) poly (oxy-propylene) (53-59 moles) poly(oxyethylene) block copolymer, average molecular weight 3,800, as a processing aid and wetting agent in combination with dioctyl sodium sulfosuccinate for fumaric acid used in fumaric acid-acidulated dry beverage base and in fumaric acid-acidulated fruit juice drinks.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7444; Filed, June 24, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968), is hereby amended as follows:

8-B *Operations Analysis and Standards Staff, BDOO,* through *Assistant Bureau Director, Operating Policy and Procedure, Division of Operating Policy and*

Procedure, BDOO, is superseded by the following:

Assistant Bureau Director, Division of Appraisal, BDOO. Provides the Director with a detailed appraisal and overview of operations. Initiates or as directed conducts special analyses, studies, and investigations; carries out a continuing program of appraisal through statistical and other methods. Develops, in concert with Bureau components, criteria for objective measurement of overall Bureau operations. Designs and directs a Bureau-wide program of surveys. Establishes standards for claims processing time and work production rates for field facilities. Develops criteria and specifications for the Bureau reports system based on analysis of the need for operational data and information. Participates in a continuing nationwide review of field installation operations and management designed to identify problems and contribute to the overall appraisal of SSA policies and procedures. Receives and evaluates periodic statistical and other management reports, organizing for the Director a comprehensive and coherent picture of operations.

Assistant Bureau Director, Division of Field Management and Organization, BDOO. Provides leadership to regional and district offices throughout the country to assure effective and economical fiscal, personnel, and other management activities. Develops management policies and procedures, assists in their implementation, and appraises their effectiveness. Contributes to the development, appraisal, and modification of SSA management policies and procedures from the viewpoint of administrative feasibility, public reaction, and district office experience. Directs a broad organization and methods program affecting the design and nature of district and branch offices and resident and contact stations throughout the country. Conducts long-range studies leading to improved organizational arrangements and a continuing program of planning. Represents the Bureau in coordinating regional and district office management operations with other SSA components and with outside organizations.

Assistant Bureau Director, Division of Operating Policy and Procedures, BDOO. Provides leadership to regional and district offices to assure effective and economical implementation of social security program provisions. Develops operating policies and procedures, assists in the implementation of substantive policies and procedures, and gives assistance to regional offices. Contributes to the development, appraisal, and modification of substantive policy and procedure and legislative program planning from the viewpoint of administrative feasibility and public and district office reaction and experience. Conducts continuing systems analysis and participates in SSA-wide systems improvements which involve the field. Represents the Bureau in coordinating regional and district office operations with other SSA and outside organizations.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: June 19, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-7463; Filed, June 24, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-6-104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 6, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-80:
Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds and Tubers, N.E.S., 235 cents per kg., minimum weight 500 kgs., Auckland to Miami.

R-81:
Commodity Item 4123—Aircraft Parts and Accessories, 173 cents per kg., minimum weight 100 kgs., Auckland to West Coast.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-80 and R-81, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7474; Filed, June 24, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-6-103]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 6, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-31:
Commodity Item 9213—Baseballs, 33 cents per kg., minimum weight 5,000 kgs., Port au Prince to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-31, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7475; Filed, June 24, 1969; 8:48 a.m.]

[Docket No. 21097]

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 20, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 18, 1969, received an application, Docket 21097, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Denver, Colo., and Milwaukee,

Wis. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7476; Filed, June 24, 1969; 8:48 a.m.]

[Docket No 19793; Order 69-6-99]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 19, 1969.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Ross Aviation, Inc. (Ross), an air taxi operator, a final service mail rate of 38.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Midland, Abilene, and Dallas, Tex. Subsequently, this final mail rate was established by Order E-26977, dated June 25, 1968.

On May 26, 1969, the Postmaster General filed a petition on behalf of Ross stating that since the submission of the proposal which resulted in establishment of the above rate, added requirements by the Post Office on air taxi operators and other unanticipated cost increases in connection with the operation make operation under the old rate economically unfeasible. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 44.1 cents per great circle aircraft mile for the transportation of mail by aircraft between Midland, Abilene, and Dallas, Tex. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department. Furthermore, cost data submitted with the petition tend to support that the increased rate is reasonable.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

On and after May 26, 1969, the fair and reasonable final service mail rate to be paid in its entirety to Ross Aviation, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Midland, Abilene, and Dallas, Tex., shall be 44.1 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 10 days after service of this order,

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7477; Filed, June 24, 1969; 8:49 a.m.]

[Docket No. 20334, etc.]

ST. LOUIS-DAYTON/COLUMBUS/PITTSBURGH PROCEEDING

Notice of Hearing

Subpart M proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 24, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Pursuant to provisions in order 69-6-85, American Airlines, Inc., may submit revised exhibits conforming to the amended scope of this case on or before July 7, 1969, and opposing parties may submit rebuttal exhibits thereto on or before July 17, 1969. Copies of such exhibits and rebuttal exhibits shall be furnished the Examiner and all parties.

Notice is given that the Bureau of Operating Rights will participate in the proceeding. Any exhibits of the Bureau shall be submitted on or before July 7, 1969, and any rebuttal exhibits thereto shall be submitted on or before July 17, 1969.

Dated at Washington, D.C., June 20, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7478; Filed, June 24, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/HAWAII CONFERENCE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER.

Agreement No. 170, as amended, between member lines provides for the establishment of uniform freight rates to be charged by all parties for the U.S. North Atlantic, South Atlantic and/or Gulf ports and/or Canadian Atlantic ports to ports in the Hawaiian Islands. The agreement also provides for the nonpayment of brokerage and for the establishment of open rates to meet outside competition moving traffic between foreign ports and Hawaii. The cancellation by the Commission of Agreement No. 170, as amended, effective September 1, 1969, will render the Atlantic and Gulf/Hawaii Conference inoperative and tariffs applying in the involved trade issued pursuant

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

to Agreement No. 170 will be canceled effective on that date.

Dated: June 20, 1969.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7488; Filed, June 24, 1969; 8:49 a.m.]

[Docket No. 69-31]

UNITED FREIGHTWAYS CORP.

Order of Investigation Regarding Rates and Charges in South Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by United Freightways Corp., a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC-F No. 1 which will, upon becoming effective July 3, 1969, generally increase southbound rates and charges from Jacksonville and Miami to Puerto Rico.

Upon consideration of the said tariff pages there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective July 3, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff pages hereby placed under investigation are changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That United Freightways Corp. be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(I) of the Commission's rules of practice and procedure (46 CFR 502.72), with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7489; Filed, June 24, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-15]

BACA GAS GATHERING SYSTEM, INC.

Notice of Petition To Amend

JUNE 18, 1969.

Take notice that on June 13, 1969, Baca Gas Gathering System, Inc. (Applicant), Hartford Building, Dallas, Tex. 75201, *filed in Docket No. CP69-15* a petition to the Commission, pursuant to section 154 of the regulations under the Natural Gas Act, to amend the certificate of public convenience and necessity issued November 22, 1968, as may be needed to provide for the addition of about 333.42 net acres to its Gas Purchase and Sales Agreement with Panhandle Eastern Pipe Line Co. dated April 22, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has entered into a Gas Purchase and Sales Agreement with Horizon Oil and Gas Company of Texas (Producer), whereby Applicant agrees to purchase and producer agrees to sell gas produced from said acreage. Applicant has been notified that producer has previously applied to the Commission for certification for the sale of gas from this additional acreage and has submitted this contract as its gas rate schedule, filed in Docket No. CI69-997.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7423; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP69-333]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 17, 1969.

Take notice that on June 11, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-333 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of additional pipeline facilities on its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate 13.5 miles of 8-inch pipeline which will loop a portion of its existing Trinidad lateral. Applicant states these facilities are necessary to meet increased peak day and peak hour requirements of the customers served from this lateral.

Applicant estimates the total cost of the proposed facilities to be $390,167, which will be financed from current working funds on hand, funds from operations, or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natral Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7424; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. E-7490]

CONSUMERS POWER CO.

Notice of Application

JUNE 18, 1969.

Take notice that on June 12, 1969, Consumers Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to December 31, 1970, of promissory notes to evidence bank borrowings and commercial paper up to but not exceeding $90 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Mich., and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total $211,811,500 in 1969 and $252 million in 1970.

The bank notes will mature not later than 9 months from the date of issue, and will carry an interest rate of the prime rate in effect at the banks at the time of issuance which will change during the period of the note to conform to changes in prime interest rates in effect at the banks. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7425; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP69-334]

IROQUOIS GAS CORP.

Notice of Application

JUNE 17, 1969.

Take notice that on June 12, 1969, Iroquois Gas Corp., a division of National Fuel Gas Co. (Applicant), 10 Lafayette Square, Buffalo, N.Y. 14203, filed in Docket No. CP69-334 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of a 2-mile, 16-inch transmission pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate the proposed facilities northeast of Buffalo in the town of Clarence, Erie County, N.Y. Applicant states that the increased capacity to be provided by the new pipeline is required for the increases in the surrounding market.

Construction of the facilities is proposed to be completed by December 31, 1969, at an estimated cost of $241,411, which will be financed in part out of available company funds and in part from the issuance of securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7426; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP68-33]

MID STATES GAS CO., INC.

Notice of Petition To Amend

JUNE 18, 1969.

Take notice that on June 12, 1969, Mid States Gas Co., Inc. (Petitioner), 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, filed in Docket No. CP68-33 a petition to amend the order issued on November 21, 1967, in Docket No. CP68-33 (38 FPC 1039), by requesting that its allocation of natural gas for the towns of Lizton, Jamestown, and Advance contained in the aforementioned order to be transferred to West Central Indiana Gas Authority, Inc., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued November 21, 1967, the Commission directed Panhandle Eastern Pipeline Co. to establish physical connection of its pipeline system with the proposed facilities of Petitioner and to sell and deliver up to 1,091 Mcf of natural gas daily for distribution and resale. Petitioner herein seeks that such allocation be transferred to West Central Indiana Gas Authority in that West Central Indiana Gas Authority, Inc., now possesses the requisite franchises which were duly transferred by the towns of Lizton, Jamestown, and Advance, to West Central Indiana Gas Authority, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7427; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69-811]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 17, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 5, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by the producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-811	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	59	11	United Gas Pipe Line Co. (Cabeza Creek Area, De Witt, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	$3,865	5-22-69	[2] 6-22-69	[3] 6-23-69	13.2002	[4] [5] 14.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. Contractually due 14.2156 cents per Mcf (14-cent base rate, plus 0.2156-cent tax reimbursement).
[5] Pressure base is 14.65 p.s.i.a.

Mobil Oil Corp. (Mobil) requests that its proposed rate increase be permitted to become effective as of June 21, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil is fracturing its contractually due rate of 14.2156 cents per Mcf and proposing a rate increase to 14 cents per Mcf. No reasons were given for fracturing the rate. The proposed rate does not exceed the area increased rate ceiling for Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61-1, as amended; however, Mobil's filing did not include a waiver of its right to file for the remaining portion of its contractually due rate. Consistent with prior Commission action on similar rate increase filings, we conclude that Mobil's proposed rate increase should be suspended for one day from June 22, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7430; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69-723]

AINSLIE PERRAULT ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

JUNE 18, 1969.

On April 7, 1969, Ainslie Perrault (Operator) et al. (Perrault), filed with the Commission two proposed rate increases, from 13 cents to 14 cents per Mcf, which pertain to Perrault's jurisdictional sales of natural gas to El Paso Natural Gas Co. in the Blanco and Basin Dakota Fields, San Juan County, N. Mex. (San Juan Basin Area). The Commission by order issued May 7, 1969, suspended for 5 months Perrault's rate filings in Docket No. RI69-723 until November 1, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On May 23, 1969, Perrault filed with the Commission two superseding notices of change in rates, designated as Supplement No. 1 to Supplement No. 2 to Perrault's FPC Gas Rate Schedule Nos. 1 and 2, respectively, amending the supplements to the rate schedules previously submitted to provide for a rate of 15 cents instead of the 14 cents per Mcf filed on April 7, 1969. Perrault did not include as part of his previously filed 14-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Perrault was thus advised that if he wanted to collect under the minimum guarantee provision he could do so provided he filed a notice of change in rate. Such notification is consistent with the Commission's order issued on December 7, 1967, in Docket Nos. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al. The proposed substitute rate filings are set forth in Appendix A hereof.

Perrault's proposed 15 cents per Mcf rates exceed the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Perrault's revised notices of change in rates subject to the suspension proceeding in Docket No. RI69-723, with the suspension period of such substitute rate filings to terminate concurrently with the suspension period (Nov. 1, 1969) of the original rate filings in said docket.

The Commission orders:

(A) The suspension order issued May 7, 1969, in Docket No. RI69-723, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Perrault's FPC Gas Rate Schedule Nos. 1

and 2, respectively, to be filed to supersede the 14 cents per Mcf rate contained in Supplement No. 2 to the aforementioned rate schedules, subject to the suspension proceeding in Docket No. RI69–723. The suspension period for such substitute filings shall terminate concurrently with the suspension period (Nov. 1, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on May 7, 1969, in Docket No. RI69–723, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-723	Ainslie Perrault (Operator) et al., 301 Philtower Bldg., Tulsa, Okla. 74103	1	[1] 1 to 2	El Paso Natural Gas Co. (Blanco Field, San Juan County, N.Mex.) (San Juan Basin Area).	$1,550	5-23-69	[2] 6-23-69	[3] 11-1-69	[6] 14.0	[4] [6] 15.0	
	do	2	[1] 1 to 2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	686	5-23-69	[2] 6-23-69	[3] 11-1-69	[6] 14.0	[4] [6] 15.0	

[1] Amends filing of Apr. 7, 1969 (Supplement No. 2) by adding 1-cent minimum guarantee for liquids. Previous filing suspended in Docket No. RI69-723 until Nov. 1, 1969.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The end of the suspension period for the previously filed rate in Docket No. RI69-723.
[4] Periodic rate increase. Previously reported as an increase from 14 cents inclusive of 1-cent minimum guarantee for liquids to 14 cents exclusive of the 1-cent minimum guarantee for liquids.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1-cent minimum guarantee for liquids.

[F.R. Doc. 69–7428; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69–780]

SUPERIOR OIL CO.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

JUNE 18, 1969.

On May 1, 1969, The Superior Oil Co. (Superior) filed with the Commission a proposed change in rate from 16.659 cents to 17 cents per Mcf (designated as Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115) which pertains to Superior's jurisdictional sales of natural gas from the Indian Basin Field, Eddy County, N. Mex. (Permian Basin Area) to Natural Gas Pipeline Company of America. The Commission by order issued May 29, 1969, in Docket No. RI69–780, suspended for 5 months Superior's rate filing until November 1, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On May 19, 1969, Superior submitted a proposed superseding notice of change in rate from 16.659 cents to 17.60 cents per Mcf, designated as Supplement No. 1 to Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115, amending the supplement to the aforementioned rate schedule to include 0.60 cent upward B.t.u. adjustment which Superior neglected to include in its previous filing. The proposed substitute rate filing is set forth in Appendix A hereof.

Superior's proposed 17.60 cents per Mcf rate exceeds the just and reasonable area ceiling rates established by the Commission in its Opinion Nos. 468 and 468A as did the previously suspended rate in said docket. Since Superior's rate filing reflects an upward B.t.u. adjustment provided by the contract, we believe that it would be in the public interest to accept Superior's corrective rate filing subject to the suspension proceeding in Docket No. RI69–780, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Nov. 1, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued May 29, 1969, in Docket No. RI69–780, is amended only so far as to permit the 17.60 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115 to be filed to supersede the 17-cent rate provided in Supplement No. 4 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–780. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Nov. 1, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on May 29, 1969, in Docket No. RI69–780, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-780	The Superior Oil Co., 909 R.C.A. Bldg., Washington, D.C. 20006.	115	[1] 1 to 4	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	$6,305	5-19-69	[2] 6-19-69	[3] 11-1-69	16.659	[4] [5] 17.60	

[1] Previously reported as a notice of change in rate from 16.659 cents to 17 cents which was suspended in Docket No. RI69-780 until Nov. 1, 1969.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] End of the suspension period for the previously filed rate in Docket No. RI69-780.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69–7431; Filed, June 24, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MID AMERICA BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., for the Board's prior approval of action whereby Applicant, presently the owner of 92 percent of the voting shares of Highland Park State Bank, St. Paul, Minn., would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn.

As required by section 3(b) of the Act, the Board gave written notice to the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 23, 1969, 34 F.R. 6810, providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

Dated at Washington, D.C., this 16th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7457; Filed, June 24, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 20, 1969, through June 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7447; Filed, June 24, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 19, 1969, at 10:30 a.m., e.d.t., through June 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7448; Filed, June 24, 1969; 8:47 a.m.]

[812-2456]

STATE BOND AND MORTGAGE CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

JUNE 19, 1969.

Notice is hereby given that State Bond and Mortgage Co. ("Applicant"), 28 North Minnesota Street, New Ulm, Minn. 56073, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 with respect to the proposed purchase by Applicant of certain property located in New Ulm, Minn., and the proposed leasing of part of said property by Applicant. The application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed purchase by Applicant of a two-story building at 104-107 North Minnesota Street, New Ulm, Minn. (the "Premises"), from its present owners—three trusts, of which Henry N. Somsen, Jr. is a trustee. The application also requests an order granting said application pursuant to Rule 17d-1 with respect to the purchase and to the proposed leasing of part of Premises to the law firm of Somsen and Dempsey, of which Henry N. Somsen, Jr. is a partner. All persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant represents that it needs additional space for its own operations and those of State Bank of New Ulm ("Bank"), a wholly owned subsidiary of Applicant (except for directors' qualifying shares), and proposes to purchase Premises which is immediately adjacent to property now owned by Bank which in turn is adjacent to property now occupied by Applicant, with only a street in between. Premises is owned by certain trusts created under wills. The trust created by the will of J. H. Vogel owns an undivided one-half interest in Premises and each of the trusts created under Articles IV and VII of the will of J. C. Vogel owns an undivided one-quarter interest in Premises. Henry N. Somsen, Jr. is the sole trustee of the trust created under the will of J. H. Vogel and is a cotrustee of the two trusts created under the will of J. C. Vogel. The remaindermen of the trusts collectively own, beneficially, 6.9 percent of the outstanding stock of Applicant, and Henry N. Somsen, Jr. owns 6.55 percent of the outstanding stock of Applicant and is a director of Applicant. Premises consist of land with approximately 55 feet of frontage on North Minnesota Street, the principal business street of New Ulm, and a depth of 165 feet, which is improved by a two-story building built in 1936. Applicant presently has subleased from the owners of Premises approximately 4800 square feet of basement area for which it pays monthly rentals of $225 under a lease which terminates on December 31, 1971. On May 17, 1968, Applicant entered into an option agreement with the owners to purchase Premises for $165,000. The initial option payment was $750, and Applicant paid an additional $500 to extend the option to June 30, 1969. Both option payments may be credited against the purchase price. The option agreement provides that a conveyance of Premises will be made subject to any and all prior existing leases. Approximately 1900 square feet on the second floor of Premises are presently leased to the law firm

of Somsen and Dempsey on a month-to-month basis with a monthly rental of $175, and Applicant proposes to continue this lease on the same basis.

Section 2(a)(3) of the Act, as here pertinent, defines "affiliated person" to include any officer or director, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of another person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by another person. Therefore, Mr. Somsen and Applicant may be deemed to be affiliated persons of each other, and the remaindermen of the trusts, collectively, and Applicant may be deemed to be affiliated persons of each other.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property and thus would prohibit the proposed sale unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act. Section 17(d) of the Act and Rule 17d–1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d–1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. Applicant represents that it has made an extensive search in the New Ulm area for the required additional space and has determined that it would be in the best interests of Applicant to exercise the option because of the location of Premises in relation to Applicant's present facilities, because the option price compares favorably with the price of any similar facilities Applicant could obtain in the New Ulm area, and because the building is soundly constructed, has fully adequate utilities for Applicant's operations and the operations of Bank and no major remodeling will be required. Applicant has submitted an appraisal report which values Premises at $165,000; $30,000 attributable to the land and $135,000 to improvements. The "full and true" value of Premises as of January 1, 1967, for the purposes of Minnesota Real Property Taxation was $46,780, and Applicant represents that this customarily represents one-third of fair market value and that, accordingly, the fair market value of Premises, as established by the County Assessor, was conservatively $140,340. Exercise of the option agreement is conditioned upon approval of the sale by order of the appropriate court having jurisdiction over the trusts, and Applicant represents that an order of the court was obtained as of November 29, 1968, which, under Minnesota statutes relating to trusts, is deemed final and conclusive upon all trust beneficiaries. In addition, all necessary written consents to the sale have been executed by the remaindermen. In the opinion of counsel for Applicant, the order is final and conclusive upon the beneficiaries, and there are no grounds under which a successor trustee or the beneficiaries could set it aside. Applicant further represents that Mr. Somsen and his father before him have been renting space in Premises for a period of well over 20 years and that the rental of $175 per month is fair for the space involved.

Applicant represents that the terms of the proposed purchase, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed purchase is consistent with its policy as recited in its registration statement and reports filed under the Act, that its participation in the purchase and lease arrangements is on the same basis and is as advantageous as that of the other participants and the proposed purchase and lease would not be inconsistent with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than June 27, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7449; Filed, June 24, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Midwestern Area) Rev. 2, Amdt. 2]

MIDWESTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Midwestern Area) (Revision 2) (33 F.R. 9851) as amended (34 F.R. 5043) is hereby further amended by:

1. The addition of I.H. to read as follows:

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6 to read as follows:

II. *Regional Directors.* * * *

B. *Development Company Assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By: ----------
Regional Director,
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

3. Revising Items II.I. 3 and 4 and adding thereto a new Item II.I.5 to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(*Name*), *Administrator,*
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing, requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

4. Revising Items III.A. 1, 4, and 12 to read as follows:

III. *Branch Manager—Marquette, Mich.*—A. *Financial Assistance.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

* * * * *

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

* * * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: May 19, 1969.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 69-7450; Filed, June 24, 1969; 8:47 a.m.]

[License No. 02/02-0107]

WOODROCK BUSINESS CAPITAL CORP.

Notice of Surrender of License

Notice is given hereby that Woodrock Business Capital Corp., New York, N.Y., has pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) requested the surrender of its license to operate as a small business investment company. The licensee was incorporated on February 16, 1961, under the laws of the State of New York, and licensed by the Small Business Administration (SBA) on October 20, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Woodrock Business Capital Corp. will be accepted, and Woodrock Business Capital Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: June 12, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-7458; Filed, June 24, 1969; 8:47 a.m.]

TARIFF COMMISSION

[337-23]

COFFEE CONCENTRATES

Amendment of Scope of Investigation

The Tariff Commission hereby gives notice that the scope of investigation No. 337-23, instituted on May 14, 1969 (34 F.R. 8320), is amended to include alleged unfair acts and unfair methods of competition in the importation of and sale in the United States by General Foods Corporation of White Plains, N.Y., and possibly others, of freeze dried coffee and other coffee concentrates produced abroad in accordance with the claims of U.S. Letters Patent No. 3,381,302 and/or 3,404,007 and/or 3,449,129, owned by the complainant, Struthers Scientific and International Corporation of New York, N.Y.

On June 13, 1969, the complainant filed a request with the Commission that its complaint be amended to include U.S. Letters Patent No. 3,449,129, issued June 10, 1969, stating that a request for the amendment was precluded at the time the original complaint was filed because the patent had not yet been issued. As the latest patent is deemed to be relevant to investigation No. 337-23 and as the patent was issued subsequent to the date an amendment to complaint is ordinarily permitted, the Commission in accordance with § 201.4(b) of its rules of practice and procedure has waived the requirements of § 203.2(c) that an amendment to a complaint be submitted prior to the institution of a formal investigation.

The hearing of this investigation will begin July 22, 1969, as originally ordered (34 F.R. 8320).

Notice of receipt of the original complaint was published in the FEDERAL REGISTER of January 23, 1969 (34 F.R. 1091).

Issued: June 20, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-7465; Filed, June 24, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 58]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., June 23, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 19, 1969.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7467; Filed, June 24, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41670—*Fresh meats and packinghouse products to points in official territory.* Filed by Western Trunk Line Committee, agent (No. A-2589), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Ogden, Provo, and Salt Lake City, Utah, to points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 30 to Western Trunk Line Committee, agent, tariff ICC A-4649.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7468; Filed, June 24, 1969; 8:48 a.m.]

[Notice 556]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 20, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 49387 (Deviation No. 6), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, Mo. 65270, filed June 11, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 36 and Interstate Highway 35, at or near Cameron, Mo., over Interstate Highway 35 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Chenoa, Ill., thence over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, Mo.; (2) from Keokuk, Iowa, over U.S. Highway 61 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U.S. Highway 63, thence over U.S. Highway 63 to Kirksville, Mo.; (3) from St. Joseph, Mo., over U.S. Highway 71 to Kansas City, Mo., thence over U.S. Highway 69 to Excelsior Springs, Mo., thence over Missouri Highway 10 to Carrollton, Mo. (also from junction U.S. Highway 69 and Missouri Highway 10 west of Liberty, Mo., over Missouri Highway 10 to Carrollton), thence over U.S. Highway 24 to Quincy, Ill.; (4) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Hannibal, Mo.; and (5) from Kirksville, Mo., over U.S. Highway 63 to Jefferson City, Mo., and return over the same route.

No. MC 50544 (Deviation No. 6), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103, filed June 10, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Dallas, Tex., and New Boston, Tex., over Interstate Highway 30 (traversing U.S. Highway 67 and Texas Highway 98 pending completion of Interstate Highway 30), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to Sherman, Tex., thence over U.S. Highway 82 to New Boston, Tex., and return over the same route.

No. MC 85850 (Sub-No. 5) (Deviation No. 1), JOHN E. NEYLON, doing business as NEYLON BROS. FREIGHT LINES, 541 South First Street, Lincoln, Nebr. 68508, filed June 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lincoln, Nebr., over Nebraska Highway 2 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 36 west of Hiawatha, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lincoln, Nebr., over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to Hiawatha, Kans., and return over the same route.

No. MC 104004 (Deviation No. 36), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed June 10, 1969. Carrier's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, N.Y. 11227. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to Charlotte, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over Tennessee Highway 12 to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Cumberland City, Tenn., and return over the same route.

No. MC 112713 (Deviation No. 15), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114, filed June 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn., and Albuquerque, N. Mex., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mount Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mount Vernon, Ill., over U.S. Highway 460 via McLeansboro, Ill., to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn.; (2) from Booneville, Mo., over U.S. Highway 40 to National Stock Yards, Ill.; (3) from Booneville, Mo., over U.S. Highway 40 to Kansas City, Kans.; (4) from Kansas City, Mo., over U.S. Highway 40 to junction U.S. Highway 24 north of Lawrence, Kans.; thence over U.S. Highway 24 to junction U.S. Highway 40 north of Topeka, Kans., thence over U.S. Highway 40 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans., thence over Kansas Highway 25 to Atwood, Kans., thence over U.S. Highway 36 to Wheeler, Kans. (also from Colby over U.S. Highway 24 to Goodland, Kans., thence over Kansas Highway 27 to Wheeler); (5) from Denver, Colo., over U.S. Highway 36 to Bird City, Kans.; (6) from Denver, Colo., over U.S. Highway 85 to Walsenburg, Colo.; and (7) from Holbrook, Ariz., over U.S. Highway 66 to Albuquerque, N. Mex., thence over U.S. Highway 85 to Walsenburg, Colo., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 525), (Cancels Deviation No. 341), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 94 and U.S. Highway 6, approximately 6 miles east of Harvey, Ill., south over Interstate Highway 94 to junction Interstate Highway 80 and Illinois Highway 394, thence south over Illinois Highway 394 to Goodenow, Ill., and (2) from Chicago Heights, Ill., over U.S. Highway 30 to junction Illinois Highway 394, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over Sibley Boulevard to junction Torrence Avenue, thence over Torrence Avenue to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 1, and (2) from Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over Sibley Boulevard to junction Illinois Highway 1, thence over Illinois Highway 1 to Norris City, Ill., thence over U.S. Highway 45 to Harrisburg, Ill., thence over Illinois Highway 34 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to Paducah, Ky., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7469; Filed, June 24, 1969; 8:48 a.m.]

[Notice 1306]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 20, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52054 (Sub-No. 27) (Republication), filed December 11, 1967, published in the FEDERAL REGISTER issue of January 5, 1968, and republished this issue. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. 67501. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Upon consideration of the application, as amended, and the record in the above-entitled proceeding, the examiner recommended the granting to applicant of a certificate of public convenience and necessity authorizing the operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board Number 3, dated May 5, 1969, and served May 13, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *foodstuffs*, not frozen, and except dairy products, from the plantsite and storage facilities of Western Food Products Co., Inc., at or near Hutchinson, Kans., to points in Colorado (except Denver), Missouri, Nebraska, North Dakota, and South Dakota; (2) of *foodstuffs*, not frozen, and except fresh meats and dairy products, from Hutchinson, Kans., to points in Arkansas, Oklahoma, and Texas; (3) of *foodstuffs*, not frozen, from La Junta, Colo., to Hutchinson, Kans.; (4) of *glass, glass containers, and glassware*, from

Okmulgee and Muskogee, Okla., to the plantsites and storage facilities (a) of Western Food Products Co., Inc., at or near Hutchinson, Kans., and (b) of Wichita Cider and Vinegar Works at or near Wichita, Kans., restricted in (1) and (4) above to the transportation of shipments originating at the named origins and destined to the named destinations. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133121 (Sub-No. 2) (Republication), filed January 21, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished this issue. Applicant: SILLS TRUCKING COMPANY, INC., 339 Whitaker Street, Apartment No. 5, Savannah, Ga. 31401. Applicant's representative: John R. Calhoun (same address as applicant). By application filed January 21, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plant mix asphalt and aggregates used in the construction of highways or other paved surfaces, in bulk, in dump type vehicles, from points in Chatham County, Ga., to points in South Carolina. An order of the Commission, Operating Rights Board, dated May 28, 1969, and served June 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *asphalt and aggregates,* in bulk, in dump vehicles, from points in Chatham County, Ga., to points in South Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133270 (Republication), filed October 31, 1968, published in FEDERAL REGISTER issue of December 12, 1968, and republished this issue. Applicant: WESTERN MEAT TRANSPORT COMPANY, INC., Route 1, Box 672, Eugene, Oreg. 97401. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. By application filed October 31, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: Meats and packinghouse products, as described in parts A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Portland and Eugene, Oreg., to points in Marion, Polk, Benton, Lincoln, Linn, Lane, Douglas, Coos, Curry, Josephine, Jackson, Klamath, Lake, and Deschutes Counties, Oreg. A report of the Commission Review Board Number 4, decided June 4, 1969, and served June 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting of *Meats, meat products, meat byproducts, and dairy products,* as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (1) from Portland and Eugene, Oreg., to points in Coos, Curry, Josephine, Jackson, Lane, Douglas, and Klamath Counties, Oreg., and (2) from Eugene, Oreg., to points in Marion, Polk, Benton, Lincoln, and Linn Counties, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 17002 (Notice of Filing of Petition for Waiver of Rule 101(e) for Reconsideration and Modification of Certificate) filed May 21, 1969. Petitioner: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Huntington, W. Va. Petitioner holds authority in MC 17002, to conduct operations as a motor carrier, the part here pertinent, transporting, "Heavy machinery, and machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum," between points in West Virginia, Virginia, Ohio, Kentucky, and that part of Pennsylvania west of U.S. Highway 15. In support of its petition for waiver of rule 101(e) Petitioner states that various factors which require the modification of Petitioner's certificate were not present at the time of the issuance, nor could they have been reasonably foreseen. The purpose of the instant petition is to request that the above certificate be modified, substituting the description for heavy machinery to read as follows: Commodities, the transportation which because of their size or weight require special equipment or special handling, and related contractors' materials, supplies, and equipment, when the transportation is incidental to the transportation by said carrier, of commodities which by reason of size or weight require special handling or special equipment. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124333 (Sub-No. 2) (Notice of Filing of Petition for Modification of Outstanding Permit), filed June 3, 1969. Petitioner: BAKER PETROLEUM TRANSPORTATION CO., INC., New Castle, Del. Petitioner's representative: Samuel Earnshaw, 833 Washington Building, Washington, D.C. 20005. Petitioner states it is presently authorized in MC 124333 (Sub-No. 2), as a contract carrier of certain liquid petroleum products, in bulk, in tank vehicles, which reads in part, "under a continuing contract with Atlantic Richfield Co. of Philadelphia, Pa., of petroleum asphalt, in tank vehicles, from Philadelphia, Pa., Paulsboro and Gloucester, N.J., to points in Delaware and that part of Maryland and Virginia known as the DelMarVa Peninsula." Petitioner further states that as a result of the establishment by Atlantic of a new distribution facility at Seaford, Del., for barge-truck traffic, in bulk, which will bring some Philadelphia traffic by water to Seaford for subsequent distribution therefrom by truck, that company has now requested applicant to obtain amendment to and modification of its Sub 2 permit. By the instant petition, petitioner seeks modification of its permit MC 124333 (Sub-2), to read as follows: "under a continuing contract with Atlantic Richfield Co. of Philadelphia, Pa., of petroleum asphalt, in tank vehicles, from Philadelphia, Pa., Paulsboro and Gloucester, N.J., to points in Delaware and that part of Maryland and Virginia known as the DelMarVa Peninsula, *and from Seaford, Del., to that part of Maryland and Virginia known as the DelmarVa Peninsula.*" Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10485 (Amendment) (EDGAR F. HURFF CO.—Control—FAIRCHILD GENERAL FREIGHT, INC., and D & O—FAIRCHILD, INC.; FAIRCHILD GENERAL FREIGHT, INC.—Merger—D & O—FAIRCHILD, INC.) published in the May 28, 1969, issue of the FEDERAL REGISTER on page 8262. Application filed June 13, 1969, for temporary authority under section 210a(b).

No. MC-F-10486 (Amendment) (MATLACK, INC.—Control and Purchase—BAGGETT BULK TRANSPORT, INC.), published in the May 28, 1969, issue of the FEDERAL REGISTER on page 8262. Application filed June 13, 1969, for temporary authority under section 210a(b).

No. MC-F-10508 (Amendment) (LOUIS J. GARDELLA, INC.—Purchase (Portion)—ASA DUCKWORTH CO., INC.), published in the June 18, 1969, issue of the FEDERAL REGISTER on page 9598. Application filed June 19, 1969, for temporary authority under section 210a(b).

No. MC-F-10509. Authority sought for purchase by ANTRIM TRANSPORTATION CO., INC., 7-11 Suffern Place, Suffern, N.Y. 10901, of a portion of the operating rights of DAVIS & RANDALL, INC., 154 Chautaugua Street, Fredonia, N.Y. 14063, and for acquisition by FRANK VILORD and HENRY MAYER, all also of Suffern, N.Y., of control of such rights through the purchase. Applicants' attorney: Werner and Alfano, attention of Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: *Malt beverages,* as a *common carrier* over irregular routes, from New York, N.Y., to points in New York (except Gloversville and points in Niagara, Erie, Orleans, Genesee, Wyoming, Allegany, Monroe, Livingston, Steuben, Chemung, Schuyler, Yates, and Onondaga Counties. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, New Jersey, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10510. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of ARMORED MOTOR SERVICE, INC., 1020 West Seventh Street, Fort Worth, Tex. 76102, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of ARMORED MOTOR SERVICE, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorney and representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006 and John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Operating rights sought to be controlled: *Currency, coin, bonds, and other valuables* customarily transferred between banks, in armored vehicles, as a *contract carrier* over irregular routes, between Dallas, Tex., on the one hand, and, on the other, points in Marshall, Johnston, Coal, Atoka, Bryan, Pushmataha, Choctaw, and McCurtain Counties, Okla., and points in that part of Louisiana in and north of Sabine, Natchitoches, Grant, La Salle, Catahoula, and Concordia Parishes, La., with restriction; *coin,* between Little Rock, Ark.; Denver, Colo.; New Orleans, La.; Oklahoma City, Okla.; Nashville and Memphis, Tenn.; and Dallas, El Paso, Houston, and San Antonio, Tex. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, South Dakota, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, South Carolina, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10512. Authority sought for purchase by HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Route 3, Box 24, Petersburg, W. Va. 26847, of a portion of the operating rights of COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicants' representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Operating rights sought to be transferred: *Lime and limestone products,* dry, in bulk, in tank or hopper type vehicles, as a *common carrier,* over irregular routes, from points in Monongalia and Pendleton Counties, W. Va., to points in Delaware, Kentucky, Maryland, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Pennsylvania, and Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Kentucky, Maryland, Pennsylvania, Virginia, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10513. Authority sought for control by AAA MOTOR LINES, INC., Post Office Box 1328, Dothan, Ala. 36301, of COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426, and for acquisition by JOHN H. DOVE, also of Dothan, Ala., of control of COOPER TRANSFER CO., INC., through the acquisition by AAA MOTOR LINES, INC. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004 and J. Douglas Harris, 410 Bell Building, Montgomery, Ala. Operating rights sought to be controlled: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Bay Minette, Ala., and Perdue Hill, Ala., from Perdue Hill, Ala., to Frisco City, Ala., serving all intermediate points, and the off-route point of Goodway, Ala., between Mobile, Ala., and Brewton, Ala., serving all intermediate points, between Mobile, Ala., on the one hand, and, on the other, points in Alabama; between New Orleans, La., and Geneva, Ala., serving certain intermediate points with restriction; between Camilla, Ga., and Tallahassee, Fla., serving all intermediate points; *general commodities,* excepting among others, household goods, but not excepting commodities in bulk, between Opp, Ala., and Dothan, Ala., serving all intermediate points, between Pensacola, Fla., and Uriah, Ala., over one alternate route for operating convenience only; *general commodities,* between Dothan, Ala., and Montgomery, Ala., between Dothan, Ala., and Thomasville, Ga., between Columbus, Ga., and Valdosta, Ga., serving all intermediate points; over one alternate route for operating convenience only; *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckloads, over irregular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama;

General commodities, except classes A and B explosives, loose bulk commodities and those requiring special equipment, between Mobile, Ala., on the one hand, and, on the other, Opp, Ala.; *petroleum products in containers,* from New Orleans and Gretna, La., to points in Alabama within 150 miles of Brewton, Ala.; *textile products,* from points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala., and points in Florida within 100 miles of Pensacola, Fla., including Pensacola, Fla.; *cotton and burlap bags,* from New Orleans, La., to points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala.; *peanut butter in containers,* from Opp, Ala., to New Orleans, La.; *peanut butter in packages,* from Opp, Ala., to points in those parts of Alabama, Florida, Georgia, Louisiana (east of the Mississippi River), Mississippi, South Carolina, and Tennessee, within 500 miles of Opp, Ala., from Dawson, Ga., to points in Alabama and Mississippi; *glass containers, and caps, covers, and tops therefore,* from Jackson, Miss., to Opp, Ala., *shelled peanuts,* from points in that part of Georgia on and south of U.S. Highway 80, to Opp, Ala.; *asphalt tile floor covering,* from New Orleans, La., and points within 10

miles thereof, to Brewton, Ala., and points in Alabama and Florida within 150 miles of Brewton, Ala.; *roofing, and roofing materials, and asbestos wallboard,* from Mobile, Ala., to points in Georgia and Florida within 350 miles of Mobile, Ala. (except Atlanta, Ga., and points in that part of Florida on and west of U.S. Highway 319); *paper and paper bags,* from Cantonment, Fla., to points in Alabama and Mississippi, points in Georgia on and South of U.S. Highway 78, and points in that part of Louisiana on and north of U.S. Highway 90 and on and east of U.S. Highway 165; *paper and paper products,* from the plantsite of the St. Regis Paper Co. at or near Wanilla (Ferguson), Miss., to New Orleans, La., Pensacola, Fla., and points in Alabama; and *paper mill equipment, paper mill materials and supplies* (except commodities in bulk, in tank vehicles), from New Orleans, La., Pensacola, Fla., and points in Alabama, to the plantsite of the St. Regis Paper Co. at or near Wanilla (Ferguson), Miss. AAA MOTOR LINES, INC., is authorized to operate as a *common carrier* in Alabama and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10514. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, of (1) a portion of the operating rights of NORWALK TRUCK LINES, INC., OF DELAWARE, Post Office Box 192, Littleton, Colo. 80120, and (2) a portion of the operating rights of NORWALK TRUCK LINES, INC., Post Office Box 192, Littleton, Colo. 80120, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo. 64113, GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo. 64113, and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans. 66208, of control of such rights through the purchase. Applicants' attorneys: Kenneth E. Midgley and Richard K. Andrews, 1500 Commerce Trust Building, Kansas City, Mo. 64106, and David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: (1) *General commodities,* as a *common carrier,* over regular routes within an area bounded generally by Rochester, N.Y., Philadelphia, Pa., Washington, D.C., and Cleveland, Ohio, serving numerous intermediate and off-route points; over irregular routes between points in Lancaster County, Pa., on the one hand, and, on the other, points in New Jersey; *beans and canned goods* from Rochester, N.Y., to Baltimore, Md., and points in Pennsylvania; *linoleum and floor tile,* from Lancaster, Pa., to Washington, D.C., and points in Ohio, New York, and Maryland; *confectionery,* from Elizabethtown and Mount Joy Pa., to points in Ohio; *machinery,* from Lancaster, Pa., to Arrowhead, N.Y.; *wine and grape juice,* between points in New York, on the one hand, and, on the other, Boston, Mass., New Haven, Conn., New York, N.Y., points in Pennsylvania, and Baltimore, Md.; and (2) *General commodities,* as a *common carrier,* over regular routes, within an area bounded generally by Buffalo, N.Y., Pittsburgh, Pa., Cleveland, Ohio, and Erie, Pa., serving numerous intermediate and off-route points; and *general commodities,* over irregular routes between Erie, Pa., on the one hand, and, on the other, points in Pennsylvania within 10 miles of Erie. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Illinois, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10515. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va., of the operating rights of JOHN J. HUIZINGA, 2525 South Artesian Avenue, Chicago, Ill. 60608, and for acquisition by R. R. SMITH and R. P. HARRISON, both also of Staunton, Va. of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities,* except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over irregular routes, between points and places in Cook County, Ill., on the one hand, and, on the other, points and places in Lake and Porter Counties, Ind. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maine, New Hampshire, Vermont, Delaware, Illinois, Indiana, Ohio, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, Michigan, Georgia, South Carolina, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10516. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401, of the operating rights of BATTLETOWN TRANSFER, INC., 300 South Central Avenue, Baltimore, Md. 21202, and for acquisition by R. R. SMITH and R. P. HARRISON, both also of Staunton, Va., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Rubber heels and soles,* as a *common carrier,* over regular routes, from Winchester, Va., to Philadelphia, Pa., serving the intermediate point of Gettysburg, Pa., without restriction; and the off-route points of Hagerstown, Md., and Littlestown, Pa., restricted to delivery only, from Winchester, Va., to Baltimore, Md., serving the intermediate point of Washington, D.C., restricted to delivery only, over one alternate route for operating convenience only; *carbon black, paper cartons, fertilizer, feed, and mineral tar,* from Baltimore, Md., to Winchester, Va., serving off-route points in Virginia within 15 miles of Winchester, restricted to delivery of *fertilizer and feed,* only, over one alternate route for operating convenience only; *carbon black,* from Winchester, Va., to Gettysburg, Pa., serving the off-route point of Hagerstown, Md.; *carbon black and mineral tar,* from Baltimore, Md., to Gettysburg, Pa., serving no intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Hagerstown, Md., and Baltimore, Md., between Hagerstown, Md., on the one hand, and, on the other, points within 25 miles of Hagerstown;

General commodities, excepting, among others, household goods, but not excepting commodities in bulk, from Baltimore, Md., to certain specified points in Virginia, between points in Berkeley County, W. Va., on the one hand, and, on the other, points in Frederick County, Va.; *agricultural commodities, livestock, farm machinery, building materials, coal, feed, and fertilizer,* between points within 50 miles of Big Pool, Md., in Maryland, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in Washington; *coal,* from points in Huntington County, Pa., to points in Washington County, Md., from points in Maryland, and West Virginia, to Martinsburg, W. Va.; *fertilizer,* from Baltimore, Md., to Winchester, Va., and points within 50 miles of Big Pool, Md., in Maryland, Pennsylvania, and West Virginia; *flavoring syrup* used in the preparation of coca cola and other fountain and soft drinks, from Baltimore, Md., to Bedford, Pa.; *food and food products,* from Baltimore, Md., to certain specified points in Pennsylvania; *fruit,* between points in Hancock, Md., from points in Maryland, Pennsylvania, Virginia, and West Virginia within 75 miles of Hancock, Md., including Hancock, to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia withcock, Md., including Hancock; *fruit and material, supplies and equipment,* used or useful in, the maintenance and operation of orchards, between points in Maryland, Pennsylvania, Virginia, and West Virginia within 75 miles of Hancock, Md., including Hancock; *fruit and fruit products, canned tomatoes and tomato juice, and materials, supplies and equipment* used in the maintenance and operation of orchards, between Hancock, Md., including Hancock; *fruit and* thereof, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virgina, and West Virginia within 250 miles of Hancock, Md., but not including those within 10 miles of Hancock;

Fruit products, from Winchester, Va., to Baltimore, Md.; *lumber and lumber mill products, seed, grain, fertilizer, hardware, and farm implements,* from Baltimore and Hagerstown, Md., to certain specified points in Pennsylvania; *malt beverages,* from Baltimore and Cumberland, Md., to Winchester, Va., from Philadelphia, Pa., to Hagerstown, Md., from New York, N.Y., to Cumberland and Hagerstown, Md., and Martinsburg, W. Va.; *oyster shells,* in bags, from Alexandria, Va., to Hancock, Md.; *petroleum products,* in containers, from Marcus Hook, Pa., and Claymont, Del., to certain specified points in Virginia, and Martinsburg, W. Va.; *pulpwood,* from Hancock, Md., and points within 10 miles thereof, to Spring Grove, Pa.; *scrap metals,* from Hancock, Md., to Johnstown, Pa., and Washington, D.C.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, from Winchester, Va., to certain specified points in Virginia and West Virginia; *sugar,* from Baltimore, Md., to Winchester, Va.; and *apples, peaches, and canned fruits,* from points in Berkeley County, W. Va., to Winchester, Va. SMITH'S TRANSFER CORPORATION is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maine, New Hampshire, Vermont, Delaware, Illinois, Indiana, Ohio, Maryland, Georgia, Pennsylvania, Virginia, Kentucky, Tennessee, South Carolina, North Carolina, West Virginia, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10517. Authority sought for purchase by MILLS TRANSFER COMPANY, 51 Sleeper Street, Boston, Mass. 02210, of the operating rights of KELLEHER TRANSPORTATION, INC., 500 Congress Street, Boston, Mass. 02201, and for acquisition by HAROLD E. BOOMA and JOHN H. MEYER, both of 140 Federal Street, Boston, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99395 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Rhode Island, Maine, and Vermont. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–765 Sub-3 is a matter directly related.

No. MC–F–10518. Authority sought for purchase by CLAREMONT MOTOR LINES, INC., Post Office Box 296 (Highway 64–70 East), Claremont, N.C. 28610, of the operating rights of JAMES H. C. HUITT (J. ALLLEN ARNDT, BOBBY SPRINKLE AND WILLIAM R. JOHNSON, EXECUTORS AND TRUSTEES), doing business as HUITT ROOFING & TRUCKING COMPANY, Post Office Box 68, Hiddenite, N.C. 28636, and for acquisition by LOY THOMAS MILLER and DALE MAURICE MILLER, both also of Claremont, N.C., of control of such rights through the purchase. Applicants' attorney: Martin C. Pannell, Box 46, 25 North Brady Avenue, Newton, N.C. 28658. Operating rights sought to be transferred: *Cotton yarn,* on beams, as a *common carrier,* over irregular routes, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to New Bedford, Mass.; *cotton yarn,* in cartons, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to Baltimore, Md., Newark, N.J., points in the *New York, N.Y., commercial zone,* 1 M.C.C. 665, points in that part of Pennsylvania on and east of U.S. Highway 11, and points in Connecticut, Massachusetts, and Rhode Island; and *empty yarn beams,* from New Bedford, Mass., to Statesville and points within 15 miles thereof, and Mount Holly and points within 5 miles thereof. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, West Virginia, Virginia, Maryland, Alabama, Florida, Georgia, Kentucky, South Carolina, Tennessee, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–10511. Authority sought for control and merger by ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., of the operating rights and property of NATIONWIDE TOURS, INC., 1344 Albany Street, Schenectady, N.Y. 12304, and for acquisition by LOUIS H. VAN GONSIC, 75 Valentine Avenue, Kingston, N.Y., and JOHN J. VAN GONSIC, JR., Round Lake Road, Rhinebeck, N.Y., of control of such rights and property through the transactions. Applicants' attorneys: James E. Wilson, 1735 K Street NW., Washington, D.C., and Louis H. Shereff, 292 Madison Avenue, New York, N.Y. Operating rights sought to be controlled and merged: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier,* over regular routes, between Gloversville, N.Y., and Schenectady, N.Y., between Fonda, N.Y., and Fultonville, N.Y., between Albany, N.Y., and Schenectady, N.Y., between Rutland, Vt., and Cambridge, N.Y., between Rutland, Vt., and Whitehall, N.Y., between Whitehall, N.Y., and Glens Falls, N.Y., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Whitehall, N.Y., and points in New York within 25 miles of Whitehall, and those in Vermont within 20 miles of Whitehall, N.Y., to Hanover, N.H., New York, N.Y., and points in Massachusetts, and Vermont, and return, from Schenectady, N.Y., and points within 35 miles of Schenectady, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, from Schenectady, N.Y., and points within 25 miles of Schenectady, N.Y., to points in New York, and return, from Albany, N.Y., and points within 25 miles of Albany, N.Y., to points in Massachusetts, New Hampshire, Maine, Vermont, New York, Connecticut, Rhode Island, Delaware, Ohio, Maryland, New Jersey, Pennsylvania, North Carolina, South Carolina, Virginia, West Virginia, Michigan, Indiana, Illinois, Missouri, and the District of Columbia, and return; passengers and their baggage in the same vehicle with passengers, in special service round-trip all expense tours, beginning and ending at Albany, N.Y., and extending to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia;

Passengers and their baggage, in special operations, in round-trip all-expense tours, beginning and ending at Albany, N.Y., and extending to points in Florida, Louisiana, Tennessee, and Wyoming, beginning and ending at Albany, N.Y., and extending to points in Arizona, California, Montana, and Texas; passengers and their baggage, in special operations, in round-trip, all-expense sightseeing or pleasure tours, beginning and ending at Schenectady, N.Y., and points in New York within 35 miles thereof, which are located on and north of a line comprised of New York Highway 7 from the New York-Vermont State line to the point of its crossing over or under Interstate Highway 90 and comprised of Interstate Highway 90 from such point of crossing to a point thereon located 35 air miles west of Schenectady, N.Y., and extending to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Florida, Louisiana, Tennessee, Wyoming, Arizona, California, Montana, Texas, and the District of Columbia; and passengers and their baggage in round-trip charter-party service limited to eight passengers in addition to the driver in each vehicle, during the seasons from September 1 to June 15, inclusive, beginning and ending at Skidmore College in Saratoga Springs, N.Y., and extending to points in Connecticut, Massachusetts, New Hampshire, New Jersey, and Rhode Island. ADIRONDACK TRANSIT LINES, INC., is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7470; Filed, June 24, 1969; 8:48 a.m.]

[Notice 854]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 1 TA), filed June 12, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: E. I. du Pont de Nemours & Co. (Mr. J. C. Jessen, A.T.M. Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 3252 (Sub-No. 59 TA), filed June 13, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, fabricated steel and steel articles*, from Augusta, Maine, to Ticonderoga, N.Y., for 150 days. Supporting shipper: Augusta Iron Works, Division of Cives Corp., Riverside Drive, Post Office Box 850, Augusta, Maine. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 76 Pearl Street, Portland, Maine 04112.

No. MC 35045 (Sub-No. 5 TA), filed June 12, 1969. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, containers, and packages; and, *mixed shipments of fertilizer and pine bark mulch*, in bags, containers, and packages, from the warehouse of Greenlife Products Co., at or near Covington, Ga., to points in Tennessee, Ohio, Kentucky, Indiana, Michigan, and Illinois, for 150 days. Supporting shipper: Greenlife Products Co., West Point, Va. 23181. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 72231 (Sub-No. 5 TA), filed June 17, 1969. Applicant: THE J. W. JONES & SON COMPANY, 495 Andrews Avenue, Youngstown, Ohio 44501. Applicant's representative: W. L. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and dairy products*, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; and Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa., for 150 days. Supporting shipper: N. H. Luethans, Swift & Co., East St. Louis, Ill. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103993 (Sub-No. 423 TA), June 17, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on wheeled undercarriages, from points in Columbia County, N.Y., to points in Connecticut, Pennsylvania, Massachusetts, Rhode Island, New Jersey, and New York, for 180 days. Supporting shipper: Taconic Industries, Inc., Columbia County, N.Y. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 110525 (Sub-No. 914 TA), filed June 13, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate*, in bulk, from Old Hickory, Tenn., to Brevard, N.C., for 120 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 381 TA), filed June 13, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Washington, Oregon, Montana, Idaho, California, and South Dakota, for 180 days. Supporting shipper: Elm Tree Baking Co., 3300 West College Avenue, Appleton, Wis., Clarence O. Stingle, Service and Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113063 (Sub-No. 6 TA), filed June 13, 1969. Applicant: RALPH H. BURNS & SON, INC., U.S. Highway No. 219, Post Office Box No. 38, Hillsboro, W. Va. 24946. Applicant's representative: Arden J. Curry, 1115 Virginia Street East, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Alleghany County, Va., to points on Interstate Project I-64 in Greenbrier County, W. Va., for 180 days. Supporting shippers: Commonwealth Sand & Gravel Corp., Darbytown Road, Post Office Box No. 7598, Richmond, Va. 23231; Attention: Mr. Harry Beattie III, Vice President; Southern Materials Co., Inc., Post Office Box 1-J, Richmond, Va. 23201; Attention: Mr. R. E. Benjamin. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 116073 (Sub-No. 100 TA), filed June 17, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from El Monte and Anaheim, Calif., to points in Utah, New Mexico, Colorado, and Texas, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Post Office Box 7638, Riverside, Calif. 92503. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116273 (Sub-No. 116 TA), filed June 17, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Liquid carbonized ink,* in bulk, in tank vehicles, from Sycamore, Ill., to Emigsville and York, Pa., and Temple, Tex., for 180 days. Supporting shipper: Duplex Products, Inc., 228 West Page Street, Sycamore, Ill. 60178. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 118989 (Sub-No. 31 TA), filed June 13, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foodstuffs,* from Lomira, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kentucky, Missouri, Illinois, Indiana, Kansas, Ohio, Pennsylvania, and Michigan, for 150 days. Supporting shipper: California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106 (William R. Loney, traffic manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119880 (Sub-No. 32 TA), filed June 17, 1969. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors,* in bulk, in tank vehicles, from points in New Jersey and New York to St. Louis, Mo., for 180 days. Supporting shipper: David Sherman Corp., 5050A Kemper Avenue, St. Louis, Mo. 63139. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124328 (Sub-No. 34 TA), filed June 17, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Money orders and travelers cheques,* from Rochester, N.Y., to Trenton, N.J.; Atlanta, Ga.; Chicago, Ill.; San Francisco, Calif.; Denver, Colo.; and New York, N.Y., for 180 days. Supporting shipper: American Express Co., 65 Broadway, New York, N.Y. 10006. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 125140 (Sub-No. 8 TA), filed June 11, 1969. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products and fruit juices,* from points in Whitehall and Chippewa Falls, Wis., to points in the area in Minnesota bounded by Minnesota Highway 60 from Wabasha, Minn., to junction with U.S. Highway 65, thence U.S. Highway 65 southward to Iowa-Minnesota State line, thence along the Iowa-Minnesota State line eastward to the Mississippi River, thence northward along the Mississippi River to Wabasha, Minn., the point of beginning, including points on the highways indicated for 180 days. Supporting shipper: Land O'Lakes Creameries, Inc., 2215 Kennedy Street NE., Minneapolis, Minn. 55413. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125433 (Sub-No. 13 TA), filed June 13, 1969. Applicant: F–B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pressure treated timber* cut to size, drilled, incised, and impregnated with oil-borne preservatives, from plantsite, Boise, Idaho, to points in Utah, other than Logan, Ogden, Salt Lake City, and Provo, Utah, for 180 days. Supporting shipper: Pressure Treated Timber Co., Gowen Field Road, Post Office Box 4085, Boise, Idaho 83705. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 127539 (Sub-No. 10 TA), filed June 12, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and food products* requiring refrigeration, and *exempt commodities* when moving therewith, from points in California and Oregon to points in Washington, and from points in California to points in Oregon, for 180 days. Supporting shippers: There are approximately (13) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 127638 (Sub-No. 4 TA), filed June 17, 1969. Applicant: RALPH BEYER, doing business as RALPH BEYER TRUCKING COMPANY, 3800 Carman Road, Schenectady, N.Y. 12303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Moulding sand,* in bulk, in dump vehicles, from points in Albany and Saratoga Counties, N.Y., to points in Delaware, Maine, Maryland, New Hampshire, New Jersey, Ohio, and Pennsylvania, for 150 days. Supporting shipper: Whitehead Brothers Co., Inc., 60 Hanover Road, Florham, N.J. 07932. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 128799 (Sub-No. 2 TA), filed June 17, 1969. Applicant: C. B. THOMPSON, doing business as C B T TRUCKING, 1500 East Powell Street, Fort Worth, Tex. 76104. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer,* in bags and in bulk (other than in tank type vehicles), from Texas City, Tex., to points in Oklahoma and Kansas, for 180 days. Supporting shipper: Smith-Douglass, Division of Borden Chemical, 5100 Virginia Beach Boulevard, Norfolk, Va. 23502. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133613 (Sub-No. 1 TA), filed June 17, 1969. Applicant: AXTELL TRUCKING, INC., Route 2, Box 250D, Salem, Wis. 53168. Applicant's representative: Richard A. Heilprin, 222 South Hamilton Street, Madison, Wis. 53701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand, lime, and stone,* from points in Lake County, Ill., to points in Kenosha, Walworth, and Racine Counties, Wis., for 180 days. Supporting shipper: Thelen Sand & Gravel, Route No. 3, Box 330, Antioch, Ill. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7471; Filed, June 24, 1969; 8:48 a.m.]

[Notice 367]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71260. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Orville F. McConahay, doing business as McConahay Trucking, Post Office Box 575, Lovell, Wyo. 82431, of the operating rights in permit No. MC–119563 issued August 30, 1965, to L. James Averett and Don J. Kelsey, a parnership, doing business as Averett & Son Trucking Co., Post Office Box 226, Cowley, Wyo. 82420, authorizing the transportation, over irregular routes, of clay products, and fittings and accessories therefor, from Lovell, Wyo., to points in Wyoming, Montana, Colorado, Idaho, Utah, Nebraska, North Dakota, and South Dakota; structural clay products from Billings, Mont., to Lovell, Wyo.; and firebrick from Denver, Colo., to Lovell, Wyo., for a named shipper.

No. MC–FC–71401. By order of June 12, 1969, the Motor Carrier Board approved the transfer of Broker License No. MC–12933 to P. Franklin Long, doing business as 7 League Travel, 521 Seventh Street, New Kensington, Pa. 15068, issued June 27, 1966, by the Commission to William J. Sprowls, 521 Seventh Street, New Kensington, Pa., 15068, authorizing the conduct of brokerage operations in the transportation of passengers and their baggage, beginning and ending at New Kensington, Lower Burrell, and Arnold, Pa., and extending to points in the United States.

No. MC–FC–71410. By order of June 13, 1969, the Motor Carrier Board approved the transfer to George E. Papscott, Pleasant Plains, Ill., of the permit No. MC–129168 (Sub-No. 1) issued October 30, 1968, to Raymond C. Lovell, doing business as R & L Trucking, Springfield, Ill., authorizing the transportation of: Steel storage tanks, and parts, from Springfield, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC–FC–71411. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Clayton A. Finlay, Carbondale, Kans. 66414, of certificates Nos. MC–104290 and MC–104290 (Sub-No. 2) issued December 12, 1957, and January 16, 1963, to Laurence Hase, Carbondale, Kans. 66414, authorizing the transportation of: Mill feeds, roofing and hardware, and livestock, between points in Kansas and Missouri. Clyde M. Burns, Lyndon, Kans. 66451, attorney for applicants.

No. MC–FC–71419. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Howard B. Foor, Monroe, Mich., of the permit No. MC–123959 issued April 18, 1962, to Howard C. Holtz, doing business as Holtz Brothers Moving, Monroe, Mich., authorizing the transportation of: Uncrated furniture, household appliances, and floor coverings, from Monroe County, Mich., to points in specified counties in Ohio. John W. Ester, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226, attorney for applicants.

No. MC–FC–71422. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Cappy's Trucking, Inc., West Boylston, Mass., of the operating rights in certificate No. MC–126213 (Sub-No. 2) issued July 23, 1965, to Soter F. Veshi, West Boylston, Mass., authorizing the transportation of pies, fresh, not frozen, in shipper-owned trailers, from Worcester, Mass., to Union, N.J. Arthur A. Wentzell, Registered Practitioner, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7472; Filed, June 24, 1969; 8:48 a.m.]

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